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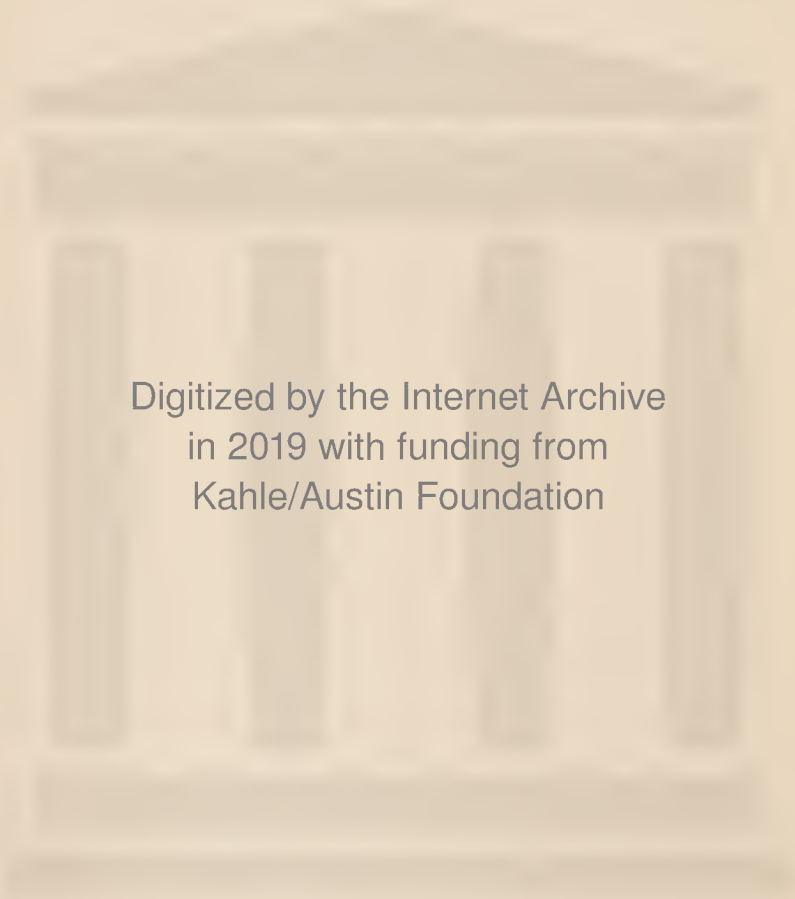

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THE PUBLIC INTERNATIONAL CONFERENCE

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THE PUBLIC INTERNATIONAL CONFERENCE

Its Function, Organization and Procedure

By NORMAN L. HILL, Ph. D.
Associate Professor of Political Science, University of Nebraska

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TO
MY FATHER AND MOTHER

188237

PREFACE

As a mechanism for the conduct of international relations the conference has secured wide recognition. On account of the frequent resort that nations have made to it, its characteristics should be extensively and critically studied. The purpose of this volume is both to describe and to analyze the international conference, bearing in mind the relation of its methods to history, diplomacy, and international law.

To accomplish this aim the contents have been presented in such a way as to cover, first, a historical sketch of the conference in international relations; second, its organization and procedure; third, a discussion of several significant problems related to it; and, finally, a definition of its natural limitations and its legitimate sphere of operation. Emphasis has been placed upon outstanding conferences of the last few decades, including the two Hague Conferences of 1899 and 1907, the Paris Peace Conference of 1919, the Washington Conference on the Limitation of Armament of 1921–22, the Genoa Conference of 1922, the Havana Conference of 1928, and conferences related to permanent international organizations. Their contributions to the conference method have been of special importance. Numerous references have been made, however, to other diplomatic gatherings.

Documentary materials have been readily available for recent independent conferences and for diplomatic gatherings related to permanent organizations. They have been used extensively. Among the secondary works that have been relied upon, particular mention should be made of Sir Ernest Satow's admirable book entitled *Congresses and Conferences*. Much valuable material has also been

derived from files of periodicals, too numerous to list in the bibliography.

Mention should be made of the fact that chapters i and ix are based in part upon articles by the author of this book that have appeared in recent issues of the *Southwestern Political and Social Science Quarterly* and the *American Journal of International Law.*

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N. L. H.

Lincoln, Nebraska
October 15, 1928

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THE PUBLIC INTERNATIONAL CONFERENCE

Chapter I—THE HISTORY OF THE INTERNATIONAL CONFERENCE

The international conference does not belong exclusively to the modern era. Like most devices in the field of government it is of ancient origin, with a long history of expansion and adaptation. In its most elemental form it is ordinary diplomacy with the representatives of two independent states meeting together to deal with an affair of common concern. As such the conference may be said to have existed as early as the period of the Greek city-states.

A more advanced concept of the international conference pictures the delegates of a considerable number of states convened together to act in an organized manner for the solution of their problems. Even in this form it is an ancient institution. The city-states of Greece developed in their leagues and confederacies a large number of conferences. One of the best known was the Amphictyonic Council of twelve tribes, with its semi-annual meetings, extending back in history past the possibility of any certain fixed date.[1] The Confederacy of Delos of the period of Pericles and the Achaean League also afford instances of interstate co-operation through the instrumentality of an assembly of representatives. The pre-Tridentine ecumenical councils of the Roman Catholic Church were international congresses of a later date, as

[1] Curtius, E., *History of Greece,* I, 111.

Dr. Francis Wharton has aptly remarked.[2] At these each state of Christendom was represented by political delegates as well as by the clergy, and each state through its political departments rejected or ratified such laws as the council might propose. As time passed these councils took on a more distinctly religious flavor and ceased to have the status of a diplomatic assembly.

The modern period.—The modern period of internationalism is generally considered to have had its beginning in the middle of the seventeenth century with the Peace of Westphalia, signalizing the termination of the Thirty Years' War. By that time there were enough independent states in Europe to make concerted action through the medium of a general gathering of diplomatic envoys a practical, if not a necessary, form of procedure. The Congress of Westphalia in 1648 was, therefore, the first modern conference to serve as an instrument of world affairs. Since that date there have been hundreds of gatherings of the representatives of sovereign states. Some have been called "Congresses," while others have been designated "Conferences." The distinction between the two terms has ceased to have any significance, though in the early days of diplomacy it was understood that the former indicated a more formal and august body than the latter.[3]

[2] Wharton, F., *Conflict of Laws,* I, § 171.

[3] Certainly the present practice is to use the two words interchangeably. There could be no logic in applying "Congress" to the Vienna meeting of 1815 and "Conference" to the Paris gathering of 1919. It is significant that the body of delegates sent to Paris in 1856 to form a treaty of peace after the Crimean War was first called a "Conference," but, entirely without intention, came later to be known as the "Congress of Paris." See Satow, Sir E., *International Congresses and Conferences,* British Peace Handbook, No. 151, p. 1.

During the nineteenth and early twentieth centuries the nations of the world displayed an increasing tendency to go into council on matters of common interest. Professor S. E. Baldwin has compiled a list of three hundred and thirteen conferences occurring between 1826 and 1907.[4] From 1850 to 1860 a total of six conferences were held; between 1860 and 1870 there were nineteen; and from 1900 to 1907 there were twenty-six. A more limited list of conferences of unusual importance compiled by Sir E. Satow to cover the century preceding the outbreak of the World War indicates a similar steady numerical increase.[5] Evidently the world had been habituating itself more and more to the practice of concerted deliberation when the cataclysm of 1914 occurred.

There are several explanations for the growing popularity of the conference idea during the century that preceded the World War. In the first place, the common interests of the states of the world had been multiplying and extending to new fields. Social and economic matters had been receiving a greater amount of attention, and the control of international relations through law had been more generally accepted as sound procedure. Furthermore, the state-system had been taking on a growing complexity. At the time of the Treaty of Westphalia in 1648 there were only eleven well-defined sovereign powers in Europe, and international politics outside of Europe were not significant.[6] During the nineteenth century many new states gained entrance into the family of na-

[4] *American Journal of International Law,* I (Appendix), 808–29.

[5] Satow, Sir E., *op. cit.,* pp. 6–7; see also Appendix A, below, for a list of important conferences.

[6] Potter, P. B., *Introduction to the Study of International Organization,* p. 56.

tions; by 1914 the number had increased to sixty. This combination of a large number of independent nations and an expanding area of international jurisdiction produced many occasions of possible co-operation and friction that were inviting to the conference method. Finally the improved means of transit and communication rendered much more feasible the bringing together of the representatives of many and widely separated states for joint discussion.

Types of conferences before the World War.—The great number of conferences which accompanied the development of internationalism before the World War were not identical in their various aims and aspirations. Taken as a whole they indicate the various ramifications into which the relations of states were leading. It will be advisable to treat them on the basis of some fundamental lines of distinction.

In the first place, a considerable number of gatherings had been peace conferences held at the end of wars.[7] Usually they were confined to the settlement of the definite issues that the war had brought to the front, but some of the more aggressive among them branched out beyond what would seem to be the logical limits of their juris-

[7] The most important peace conferences of the modern era are the following:

1648—Westphalia
1659—Pyrenees
1668—Aix-la-Chapelle
1679—Nijmegen
1697—Riswick
1699—Carlowitz
1713—Utrecht
1721—Cambray
1728—Soissons
1748—Breda; Aix-la-Chapelle
1772—Fokchany; Bucharest
1779—Teschen
1797—Rastadt
1802—Amiens
1815—Vienna
1856—Paris
1878—Berlin
1905—Portsmouth
1912-13—London
1919—Paris

diction. The Congress of Vienna, for example, was not only concerned with getting rid of the arch enemy of Europe, but also was interested in the slave trade and in the internationalization of rivers. The Paris Congress of 1856 invaded the field of international law by providing rules relative to blockades, privateering, and the capture of goods on the high seas in time of war. Nevertheless the peace conference has never represented an advanced conception of internationalism. Whether attended by two states or by forty, whether involving itself in peace-time problems or confining itself to a limited program, it has been dominated too much by the will of the victor and has been too lacking in essential justice to qualify as a satisfactory organization for the conduct of public affairs.

Most of the conferences of the nineteenth and early twentieth centuries were held in time of peace and had little or no relation to any particular war. They were evidences of a developing spirit of co-operation in many fields of human endeavor. Some of them were private conferences attended only by the representatives of societies and organizations taken from national units.[8] Such gatherings belong properly to the field of cosmopolitanism rather than to that of internationalism. They undertook to achieve an exchange of ideas or a concerted action on the part of diverse peoples without the use of the existing state-system. Within the long list of those held between 1826 and 1907 are found conferences dealing with science, religion, crime, languages, peace, and a multitude of

[8] See below, chapter viii, page 165, notes, for data in regard to the frequency of private international conferences. See also the *American Journal of International Law,* I (Appendix), 808–29, for a list of those that occurred before 1907.

other subjects. More recently there have been meetings of the representatives of new organizations of private interests; a Pan-American Students Conference, for instance, convened in Mexico City in 1921.

Of paramount importance for our purposes are public international conferences in times of peace, where nations through their delegates assemble together. Meetings of this kind have been less numerous than the congresses of private interests, but their influence has been far greater. Their contributions to the development of international co-operation are significant.

The periodicity of peace-time conferences before 1914.—Idealists have advocated throughout the modern era of internationalism the scheme of putting peace-time conferences upon a permanent basis with a provision for periodic sessions.[9] The "Grand Design" of Henry IV would have furnished Europe with a General Council, patterned after the Amphictyonic Council of Greece, and a group of Minor Councils, to deal with questions of trade, politics, and religion. Grotius wrote in 1625:

> It would be useful, and indeed it is necessary, that Congresses of Christian states should be held, in which controversies which arise among some of them may be decided by others who are not interested, and in which measures may be taken to compel the parties to accept peace upon fair and reasonable terms.

William Penn in 1693 modestly suggested a "European Parliament," that would "beget and increase personal friendship between princes and states." Well-known plans for universal peace that have provoked both admiration and cynicism were propounded by Jean Jacques Rousseau, Immanuel Kant, Jeremy Bentham, and other

[9] York, E., *Leagues of Nations,* pp. 101–3, 112, 147, 155, 268, 281.

writers, plans in which references were common to world "diets," "congresses," or "tribunals." In most instances the precise powers of the organization proposed were not defined, but frequently they were designed to extend to both legislation and the adjudication of disputes. A more carefully devised project was published in 1840 under the authorship of Mr. William Ladd, an American, suggesting a "Congress of Nations."[10] He proposed establishing by a treaty agreement a permanent congress with periodic sessions, authorized, on the basis of unanimous consent, to recommend to member states alterations or additions to the existing body of international law.

The notion of periodic conferences had gained a degree of recognition in the actual practice of diplomacy before 1914. Between 1815 and 1822 the Quadruple Alliance, which had developed out of the Vienna Congress, held four meetings at convenient European cities for the purpose of developing common policies. Controlled as they were by Metternich, it would be a mistake to regard them as the outgrowth of an enlightened internationalism. They were the mechanism of a very limited group of states cherishing the ideal of peace, but only if it were founded upon their own reactionary notions of the way in which the nations of the world should live. The meetings of the representatives of the alliance were not expected to be held at stated intervals, but there was developed some notion of recurring gatherings on such occasions as the conditions of Europe might demand.

Pan-Americanism since the time of Bolívar has carried with it the idea of regular conferences. On September 6,

[10] Ladd, William, *A Congress of Nations,* especially pages 8–10, as reissued, 1916, by the Carnegie Endowment for International Peace.

1815, Bolívar wrote a well-known letter from Jamaica, where he was in exile, in which he stated:

> How beautiful it would be if the Isthmus of Panama should become for us what the Isthmus of Corinth was for the Greeks! Would to God that we may have the fortune some day of holding there some august congress of the representatives of the republics, kingdoms and empires of America, to deliberate upon the high interests of peace and war not only between the Americans, but between them and the rest of the globe.[11]

The first congress of American powers, convoked on Bolívar's initiative in 1826, adopted in principle a scheme for an assembly meeting every two years; but it was not until 1890 that a permanent organization looking toward a series of conferences was actually effected. There have since been five meetings, the most recent in 1928. Pan-Americanism appears to be well founded on the basis of regular conferences.

The large number of public international unions that have been organized since 1864 have required periodic meetings to revise their constitutions and "regulations" or to select bodies of delegates to supervise the work of the bureaus.[12] The conferences of these administrative organizations have a very limited area of jurisdiction. They do not represent a world parliament in any broad sense. The Congress of the Universal Postal Union, for instance, is limited by its very nature to a small number of activities. But it is a matter of some significance that

[11] Inman, S. G., *Problems in Pan-Americanism* (copyright 1925 by George H. Doran Company, and reprinted by permission of Doubleday, Doran & Company, Inc., Publishers), p. 103.

[12] For a list of forty-five international administrative bodies in operation in 1915, see Potter, P. B., *Introduction to the Study of International Organization*, pp. 270–71.

the idea of regular conferences has been used so long on even so small a scale.

The two Hague Conferences of 1899 and 1907 were expected by many to be the forerunners of a number of similar gatherings. They were the fruit of a matured idealism which, it was assumed, had become strong enough to sustain immediate expansion in world organization. They were called peace conferences, not because they terminated wars but on account of their ultimate aim of replacing international friction by international co-operation. While the first of the two meetings did not specifically provide for a later convocation, the contents of its *vœux* made it obvious that one was expected.[13] The South African War and the Russo-Japanese conflict delayed the second gathering until 1907. One of the *vœux* of the second conference was a specific recommendation for a "third Peace Conference, which might be held within a period corresponding to that which has elapsed since the preceding."[14] It was the World War that prevented the fulfillment of this wish.

The subject-matter of conferences in time of peace. —Although the society of nations had failed in 1914 to construct a world parliament of a permanent type, its members had gone into common council frequently in regard to diverse matters. Purposes as broad as the whole field of internationalism received treatment. Evidently states were willing to indulge in co-operative enterprises, but only through a loosely knit organization.

There were several conferences before the World War

[13] *The Hague Conventions and Declarations of 1899 and 1907,* edited by James Brown Scott. *Vœu* 5 (page 28) expresses the wish that the subject of private property in naval warfare be "referred to a subsequent conference."

[14] *Idem.*

that dealt with public international law. The Peace Congress at Paris in 1856 supplied rules regarding the blockade, privateering, and private property at sea during war.[15] Eight years later a group of powers met at Geneva for the purpose of ameliorating the condition of wounded soldiers in the conduct of war.[16] The use of explosive bullets in war was the substance of the agenda of the St. Petersburg Conference of 1868.[17] An international gathering at Brussels in 1874 aspired vainly to codify the law in regard to land warfare.[18] Most significant of all were the two Hague Conferences of 1899 and 1907, resulting in the promulgation of a considerable body of rules dealing with war and its conduct.[19] The last diplomatic assemblage to labor in the field of international law before the outbreak of the World War was that at London in 1908–09 to establish a code of naval warfare, a gigantic effort which ended unsuccessfully.

Private international law had also been brought under the jurisdiction of the conference method. A group of nine Latin-American states met at Lima in 1877 with the aim of developing this branch of law.[20] At the Havana Conference of 1928 the Latin-American states accepted the excellently drawn code of private international law prepared by Dr. Bustamante of Cuba. The Pan-

[15] *British and Foreign State Papers,* XLVI (1856).

[16] A second Geneva conference met in 1868 for the purpose of extending to warfare at sea the rules formerly agreed upon and a third conference convened at the same city in 1906 to revise the code of 1864.

[17] *British and Foreign State Papers,* LXXIII, 1113.

[18] *Ibid.,* LXV, 1110.

[19] *Proceedings of the Hague Conferences of 1899 and 1907* (New York, 1920).

[20] *American Journal of International Law,* I (Appendix), 808–29.

American Conferences have brought both public and private international law under the scope of their attention.[21] Europe's interest in the subject was exhibited in a series of conferences at The Hague beginning in 1893, in which from thirteen to fifteen states participated.[22] Conventions were drafted at those meetings with the object of codifying the law.

Social questions found their way into international conferences at an early date. The slave trade received the condemnation of Europe at the famous Vienna Congress of 1815. After this early interest had spent itself, international humanitarianism lapsed for several decades. Since the middle of the nineteenth century it has been revived in new forms with a strong emphasis upon sanitation, health, and morals, recognizing, as it were, a police power of the world. Beginning in 1851 there was a total of nine sanitary conferences in Europe before the opening of the twentieth century, which has ushered in an era of even greater interest and more frequent deliberations.[23] The white slave traffic became the subject of international attention in 1902 at a conference in Paris and at other meetings that convened before 1914.[24] The protection of labor, the regulation of the production and use of opium, and the liquor traffic in Africa were also among the subjects dealt with by occasional gatherings of interested states.

Economic questions could not escape the attention of a world so widely affected by the new methods of indus-

[21] See *Reports of the International Commission of Jurists on Public and Private International Law,* published by the Pan-American Union, Washington (1927).

[22] *American Journal of International Law,* I (Appendix), 808–29.

[23] *Idem.*

[24] *Idem.*

try and commerce to which the nineteenth century gave life. There were conferences dealing with navigation, communication, transportation, systems of weights and measurements, agriculture, and numerous other subjects belonging to the field of economic internationalism. Many of the conferences were related to the various official unions, commissions, and bureaus that have developed so rapidly during the past six or seven decades. Others had an independent status.

The century preceding the war of 1914 witnessed a considerable number of conferences that were devoted to problems of international politics. Diplomatic tangles are invariably existent or in the process of making somewhere, and their presence is a challenge to the methods of a deliberative assembly. Five European powers met at London in 1830–31 to provide for Belgium's neutrality.[25] Probably the Algeciras Conference of 1906 is as well known as any of this type.[26] France and Germany were involved in one of their arguments over Morocco and it seemed possible that a European war might be provoked. At the suggestion of President Roosevelt, the states which had been present at the Madrid Conference of 1880 convened once again in Spain and the affair was temporarily controlled. An earlier instance of this type of meeting was the Berlin Congress of 1878, which devoted itself primarily to the settlement of Eastern European problems.[27] It was convoked under the authorization of the Concert of Europe.[28]

[25] *Cambridge Modern History,* X, 543.

[26] Stuart, G. H., *French Foreign Policy,* pp. 206–40.

[27] Hazen, C. D., Thayer, W. R., and Lord, R. H., *Three Peace Conferences of the Nineteenth Century.*

[28] The Concert of Europe was responsible for other political con-

There were many conferences before the World War that interested themselves at once in several of the types of activities mentioned above and consequently cannot be grouped logically in any particular category. The Hague Conferences dealt not only with questions of international law but also with such political issues as arbitration and disarmament. Pan-American conferences have had economic, social, legal, and political questions on their agenda. While the subject-matter for a peace conference usually indicates only a thirst for power on the part of the victor, at a gathering in time of peace the agenda shows a recognition of the interrelation of affairs that might appear to be to a considerable degree detached.

Conferences during the World War.—The period of the World War was a significant one in the history of the international conference. The unusually close relations between the Allied Powers put an unbearable strain upon the ordinary methods of diplomacy. Messages from one head of state to another that went through the regular diplomatic channels of communication could not procure that punctuality of co-operation which an emergency condition demands. Problems were too numerous and too urgent to permit delay. Consequently, it was found necessary early in the war to arrange personal meetings of representatives of the Allies to deal with pressing issues. Meetings of technical representatives were the first to develop.[29] For instance, Mr. Lloyd George called the finance ministers of the chief Allied Powers together in

ferences, such as the Conference on Cretan Affairs at Paris in 1869, Conference on Turkish Affairs at Constantinople in 1876–77, and the Conference on African Affairs at Berlin in 1884–85.

[29] Hankey, Sir M., "Diplomacy by Conference," *The Round Table,* XI, 286–311.

February 1915 to deliberate on their common financial problems. During the spring of the same year the practice came into vogue of holding personal consultations among such leaders as M. Millerand, Mr. Asquith, M. Viviani, and Mr. Balfour.

The first definite organization for frequent Allied conferences was achieved in November 1915.[30] Lord Kitchener was one of the most enthusiastic supporters of the scheme. The prime ministers of the states at war against Germany were to constitute a committee to formulate policies which should be presented as advice to their respective governments. On March 26, 1916, the first meeting of this body took place and was attended by the representatives of seven states. That the organization was an active one may be seen from the fact that during the first ten months of 1917 there were eleven conferences at convenient cities.

In November 1917 Allied diplomacy underwent another important alteration that involved a continued application of the conference style of diplomacy, but under arrangements that were designed to be more efficient. By an agreement made at Rapallo by England, France, and Italy, the Supreme War Council came into being.[31] Each state was to be represented in the Council by its Prime Minister and by such military or naval experts as might be necessary. The United States had a delegate present who could report what had been done but could not discuss, "an ear but not a mouth," as M. Clemenceau remarked.

On the advice of the Supreme Council there were also

[30] Hankey, Sir M., *loc. cit.*

[31] *The Supreme War Council,* World Peace Foundation Pamphlets, Vol. I, No. 7, pp. 346–47.

developed numerous subsidiary councilar bodies. There were some twenty of them all together, designated variously as "committees" and "councils," and dealing with transportation, food, nitrates, aircraft, the blockade, and many other matters.[32]

This war-time machinery of diplomacy may prove itself to be of enduring importance. At least it placed an emphasis upon the conference idea which had not been equaled before. Problems of many sorts, social, economic, and political, were handled with comparative facility by the councilar process. Consequently, the victorious Allies emerged from the war with an exceedingly high estimate of the value of international deliberative assemblies. The conference method had contributed to their success. What was to hinder it from effectively coping with the complexities of peace? Sir Maurice Hankey, secretary to the British Cabinet during the war, after being in attendance at four hundred and eighty-eight international meetings between 1914 and 1921, gave it as his opinion that "diplomacy by conference has come to stay."[33]

Conferences since the World War.—During the post-war period the conference has been of superlative importance in the conduct of international relations. The daily press has brought only a smattering of its activities to the attention of the public. Between March 1, 1920, and September 1, 1925, there were ninety-two gatherings, according to the chronological list of events of international significance compiled in the regular issues of the *American Journal of International Law*.[34] In addition,

[32] *Idem.*

[33] Hankey, Sir M., "Diplomacy by Conference," *The Round Table*, XI, 286–311.

[34] See Appendix B, below.

there have been a considerable number of two-power conferences, a host of private international gatherings, and the regular meetings of the Council and Assembly of the League of Nations. Evidently the world has developed a great deal of faith in deliberative assemblies as preventive and remedial processes for the ills that are incident to the relations of states.

The idea of periodicity in conferences has been best realized in the machinery of the League of Nations and the International Labor Organization. The Council of the League is directed by Article IV of the Covenant to meet "from time to time as occasion may require and at least once a year." The forty-seventh session of the organ convened on September 17, 1927.[35] Each year since the establishment of the League there have been from four to seven meetings of the representatives of states that compose this important body. Article III of the Covenant provides that "the Assembly shall meet at stated intervals and from time to time as occasion may require," while as a matter of practice it has convened annually. The conferences of the International Labor Organization, whose jurisdiction, like that of public international unions, is more narrowly limited, are put upon a periodic basis by the Treaty of Versailles.[36] They have been meeting either once or twice every year. These regular gatherings of diplomats that are related to post-war organizations represent the highest degree of success that the periodic conference idea has achieved since the opening of the modern era of internationalism.

The League of Nations has also been responsible for

[35] Bok, W. C., "The Activities of the League of Nations," *Current History,* XXVII, 268.

[36] Treaty of Versailles, section xiii.

the convocation of a group of conferences to deal with specific matters of interest that are located within its jurisdiction. Under its auspices, for instance, a European Health Conference met at Warsaw in March 1922.[37] The Opium Conferences of 1924 are probably as widely known as any that the League of Nations has sponsored.[38] While these meetings are not of a periodic sort, and probably should not be, on account of the temporary nature of the functions which are usually involved, they do indicate the increasing reliance of internationalism upon the conference method.

Most of the post-war gatherings of diplomats have been unrelated either to the League of Nations or to any other permanent society of states. They have been called by individual states which have been interested in the solution of a puzzling situation, and they have provided their own organization and established their own procedure irrespective of outside influence. They have been attended by as many states as were interested, provided their presence was agreeable both to the other parties and to themselves. Some of them have been of a local nature, attended by a small number of neighboring states. There have been several meetings of the Baltic Powers, of the Succession States to Austria-Hungary, of the Central American group, of the members of the Little Entente, and of the nations formerly allied against Central Europe.[39] The importance of recent conferences has not

[37] *Le Temps,* March 22–23, 1922.

[38] Buell, R. L., *The International Opium Conference.*

[39] The following list illustrates conferences of each of the group of states mentioned: Conference at Riga, 1922, of Baltic States regarding political and economic co-operation; Portorose Conference, 1921, of Succession States to Austria-Hungary to develop methods of

been dependent upon the number of states that have been present. The Washington Conference on the Limitation of Armament, in 1921–22, with five states represented on armament questions and nine on Far Eastern affairs, was much more far-reaching in consequences than the International Conference on Maritime Law at Brussels in 1922, attended by twenty-two powers. The importance of a given conference has been determined more by the international influence of the states participating than by their number.

The most astounding fact in regard to post-war meetings has been their frequency. Never before in the history of internationalism have so many been held over so short a period of time. It is not surprising that an editorial appeared some time ago in one of our periodicals entitled "Conferences and Conferences."[40] The inquiry naturally suggests itself as to the causes of this remarkable development.

The peace settlement appears responsible for a considerable number of the conferences of the past few years. Some questions were left open by the conferees at Paris, others needed subsequent revision, while a third group presented problems of enforcement. Consequently, the Allied Supreme Council met as occasion demanded in the capacity of an instrument of peace until the occupation of the Ruhr by France in December 1923.[41] Some of its tasks, particularly that of defining new boundary lines,

co-operation; Conference on Central American Affairs at Washington, D.C., 1923, to deal with both political and economic matters; Conference of the Little Entente at Prague, 1922; Meeting of the Allied Powers at Spa, 1920, regarding reparations.

[40] *The Outlook,* CXXXVIII, 533–34.

[41] Buell, R. L., *International Relations,* p. 636.

were delegated to the Conference of Ambassadors, composed of the diplomatic representatives of the principal Allied Powers at Paris. The reparations issue brought the Allied Supreme Council together for a large number of meetings both formal and informal, brief, or of several months' duration.[42] They dealt with the size of the indemnity, its allocation, and the vexing problem of enforcing payment from a poverty-stricken and ill-humored vanquished state. The execution of the terms of the treaty received especial attention at the San Remo Conference early in 1920, although other subjects were also on the agenda, such as Russian and Turkish affairs.[43] In some instances the Supreme Council came together to deal with ruptures in the relations of mutually suspicious European powers. The Polish occupation of eastern Galicia, the trouble between Hungary and Roumania in Transylvania, and the seizure of Fiume by D'Annunzio precipitated issues that served as occasions for meetings. The Conference of Ambassadors has been called into session for the solution of equally knotty situations, such as the Vilna affair between Poland and Lithuania, and the Jaworzina boundary dispute, which involved Czechoslovakia and Poland. Many of these continuation conferences of the powers formerly allied against Germany would not have occurred had the League of Nations been able to evoke a greater confidence among states that were from the beginning resolute against it. In any case, such gatherings were too closely related to the World War and its immediate aftermath to suggest any reformed

[42] The best-known conferences that have had to do with reparations were: Hythe, 1920; Boulogne, 1920; Brussels, 1920; Spa, 1920; Paris, 1921; London, 1921; Paris, 1923; London, 1924.

[43] Gibbons, H. A., *Europe since 1918,* pp. 520–41.

internationalism or any likelihood of their prolonged recurrence.

Another cause of the large number of post-war conferences has been the unusual need for co-operation among states and the persistent demand for it in several lines of activity, particularly in economic and social matters. The world's machinery of finance was not meeting the heavy strains placed upon it, and therefore the Brussels Financial Conference was called in 1920.[44] Problems such as the renewal of trade relations with Russia, the utilization of railway facilities with a maximum of efficiency, emigration and immigration, and the regulation of electrical and wireless communications have been placed upon the agenda of international diplomatic gatherings, entirely unrelated to the machinery of the League of Nations.[45] Among social problems that have been brought before conferences are those of health, police, the protection of disabled soldiers, and liquor smuggling.[46] Independent meetings to provide co-operation in such matters are apt to continue with little or no abatement unless the League of Nations gains control over the interests

[44] *Current History,* XIII, 470.

[45] Among conferences dealing with economic matters, apart from the League of Nations, have been the following: International Free Trade Congress, London, 1920; International Passport Conference, Paris, 1920; International Wireless Conference, Paris, 1921; European Railway Conference, Paris, 1922; Wireless Conference, London, 1923; Genoa Conference, 1922; Emigration Conference, Rome, 1924.

[46] Among conferences dealing with social matters, apart from the League of Nations, have been the following: Sanitary Congress, Paris, 1921; International Health Conference, Copenhagen, 1921; International Police Congress, Vienna, 1923; International Anti-Liquor Smuggling Conference, Helsingfors, 1924. In addition there have been conferences on social matters under the League and the International Labor Organization.

which they represent. While some of the gatherings of the past few years dealt with situations which can be traced back to the far-reaching influence of the war, the great majority were concerned with questions that must have come to the forefront sooner or later. International action on social and economic issues is more apt to increase in volume than to decrease, and the conference will be a proper vehicle for it.

Another factor that has contributed to the growing use of the international conference has been the world's interest in an assurance of peace. Disarmament, arbitration, and guaranties of mutual assistance are subjects that have been treated both by the League of Nations and by conferences independent of it. The Washington Conference of 1921–22, the Moscow Conference of 1922–23, the Central American Conference of 1922–23, and the Geneva three-power conference of 1927 were all devoted to the limitation of armament.[47] These matters come within the jurisdiction of the League of Nations, but until the authority of that organization becomes at once effective and exclusive there is no reason to expect that separate international gatherings to deal with them will cease to occur.

In all probability there would have been fewer post-war gatherings of diplomats had it not been for the efforts of of Mr. Lloyd George. It is quite clear that he was the inspiring genius of the Genoa Conference of 1922 and that he was active in the meetings of the Allied Supreme Council. His confidence in the utility of the conference

[47] See, regarding these conferences: *Conference on Limitation of Armament,* Washington (1922); *Conference on Central American Affairs, 1922–23,* Washington (1923); *Conférence de Moscow pour la Limitation des Armements,* Moscow (1923).

idea was well stated in his speech before the National Liberal Council in London early in 1923, when he said: "The gibers are going to say: 'Ah! Another Conference! Forty-five nations! A thousand experts! What folly! What extravagance!' Yes, what extravagance—a thousand experts, financial, diplomatic, economic. They are cheaper than military experts. Their retinue is a smaller one."[48] Mr. Lloyd George was able to influence the conduct of internationalism by this conviction until 1922, when the overthrow of the coalition government occurred.

The conference has gained for itself a permanent place in the machinery of internationalism. The period of 1919 to 1925 represents the acme of its usefulness. If there has been a slight reaction during the past two years it has been due primarily to the gradual disappearance of several issues of the peace settlement. There still remain many matters that will continue indefinitely to be subjects of international deliberation.

[48] Mills, J. Saxon, *The Genoa Conference,* p. 18.

Chapter II—THE COMPOSITION OF INTERNATIONAL CONFERENCES

The bases of representation in an international conference in time of peace are of fundamental significance, often prophetic of the success or failure which the deliberations are destined to achieve. It is presumed that all states with an interest in the subjects of the agenda will be invited to send delegates unless for some reason a nation is regarded as beyond the pale of co-operation. In view of the fact that there will be varying degrees of interest among the powers in a given problem, it follows that the inviting authority must draw the line between those whose presence will be beneficial and those who are properly outsiders. The question of admitting Russia and Germany to recent international gatherings has presented a puzzling dilemma. They have been interested in the programs of nearly every post-war conference that has occurred to the extent that no success could be complete without their attendance, but the theories of communism are of such a nature that the hearty co-operation of Russia could not be forthcoming on most matters, and the international feeling against Germany has been so violent that she could not be cordially welcomed. Most of the post-war conferences have convened without the presence of these two unpopular states. The Allied Supreme Council agreed to admit them to the Genoa Conference of 1922, but the results were not reassuring and it was provided that the succeeding conference at The Hague should meet without them.[1] More recently Germany has been permitted to attend other gatherings, such as the Locarno Conference of 1925, and since gaining the right of repre-

[1] Mills, J. Saxon, *The Genoa Conference,* pp. 88–110.

sentation upon the Council and Assembly of the League of Nations she has been an influential participant in all subsequent European conferences. While there may be some justification in refusing to allow Russia to be present at gatherings of nations on account of an obvious impossibility of securing her agreement to any action that may be proposed, there is no wisdom in allowing mere prejudice to rule out so important a state as Germany.

It is not only for lack of an invitation that important states fail to be present at diplomatic gatherings, but also from refusal to accept when they have been invited. Russia has rejected several invitations during the past few years.[2] The United States has been unwilling to accept invitations to numerous post-war gatherings.[3] Our attitude has been the cause of much consternation to conferees. Uninvited nations may and occasionally do request admission on the ground that they would be affected by any decision that might be reached and therefore ought to be given a share in its formation. Spain applied for membership in the conference at London in 1867 which dealt with the status of Luxemburg.[4] Her request was not granted.

The size of international conferences.—Conferences that met before 1899 were usually quite restricted in membership. It rarely happened that more than fifteen

[2] Russia has refused to attend meetings held under the auspices of the League of Nations until the settlement of a quarrel with Switzerland in regard to the murder of Vorovsky. Russia attended the Economic Conference at Geneva in 1927. See "The Economic Conference," *New Republic,* May 18, 1927.

[3] As examples: Genoa Conference of 1922–23, International Conference on Customs Formalities in 1923, Barcelona Conference of 1921, Conference on Child Welfare at Geneva in 1925.

[4] Olliver, O. E., *L'Empire libéral,* IX, 335.

states participated in a diplomatic gathering and invariably in the group were to be found the leading nations of Western Europe.[5] Even conferences that dealt with a subject of wide concern, such as the codification of international law, never had above sixteen members. Where affairs of a more localized sphere of interest were to be taken up it was natural for the number of participants to be small. For instance, the meetings of the Quadruple Alliance between 1815 and 1822 were at first limited to the four charter members, Great Britain, Prussia, Russia, and Austria. Later France was allowed to attend. The Hague Conference of 1899 with twenty-six in attendance

[5] At conferences in time of peace before 1899 there were represented as follows:

Conference on Belgian Affairs at London, 1830–33	5 states
Conference at London on Danish Affairs, 1850–52	7 states
Conference for Abolition of Sound Dues, 1857	14 states
Conference regarding Danubian Principalities, 1858	7 states
Conference for Pacification of Syria, 1860–61	6 states
Conference on Affairs of Mexico, 1862	20 states
Conference for Redemption of the Scheldt Toll, 1863	21 states
Conference on Affairs of Denmark, 1864	8 states
Conference at Geneva, 1864	14 states
Conference respecting Luxemburg, 1867	9 states
Conference at St. Petersburg, 1868	16 states
Conference at Geneva, 1868	13 states
Conference on Cretan Affairs, Paris, 1869	7 states
Conference at London regarding Black Sea, 1871	6 states
Conference at Brussels, 1874	13 states
Conference at Constantinople, 1876–77	6 states
Conference at Madrid, 1880	13 states
Conference at London, 1893	7 states
Conference at Berlin, 1884–85	12 states

was the largest body of the sort that the world had yet seen. There were invited to it the powers that maintained representatives at St. Petersburg, and there were added later Luxemburg, Siam, and Montenegro.[6] While the London Naval Conference of 1908–09 contained the delegates of only ten nations, the second Hague gathering of 1907, with forty-five states present, attained record proportions for the pre-war period. The insistence of the United States on Latin-American participation accounts for its unparalleled size. The two Hague Conferences ushered in a new era of internationalism, not only in the breadth and variety of their activities but also in their composition. They are evidence in support of the doctrine that during the nineteenth century the nations of the world were developing an ever growing network of common interests.

Since 1919 international conferences have continued to show an expanding range of membership. The Assembly of the League of Nations with its membership of fifty-five has been unusually inclusive. Aside from gatherings that are related to the various permanent organizations, there have been several important meetings that have contained the delegates of from twenty-five to sixty states. Fifty-nine were represented in the International Emigration Conference that met at Rome in 1924.[7] The Genoa Conference of 1922 that involved twenty-eight powers was probably the most significant large body with an independent status that has met since the war.[8] The

[6] Scott, J. B., *The Hague Peace Conferences of 1899 and 1907,* I, 47.

[7] *New York Times,* May 16, 1924 (page 2), for the International Emigration Conference.

[8] There have also been the following large conferences that were

great bulk of recent gatherings have been localized with less than ten taking part, but frequently their importance has transcended that of larger groups on account of the international status of the participants.

The representation of non-sovereign peoples and small states.—An opportunity to send delegates has been given from time to time to peoples whose independence is not complete. At the Peace Conference of 1919 the British Dominions and India were allowed to act in a dual rôle, on the one hand as parts of the British Empire, and on the other as separate entities.[9] Since this incident the group has aspired to a more complete recognition at international meetings. Their membership in the Assembly of the League of Nations is further encouragement. No practice has been established on the part of an inviting power to send separate invitations to England's matured dependencies, but instances have occurred where some of the Dominions have complained because they have not been asked to take part and have asserted their interest. Mr. W. M. Hughes of Australia was much perturbed that the United States failed to ask his country to send delegates to the Washington Conference of 1921–22, where Far Eastern questions of vital concern were to be discussed.[10] At the same time General Smuts of South Africa voiced a demand for representation, which, he stated, would not be satisfied unless the delegates of the self-governing colonies were allowed to act

not related to permanent international organizations: International Congress on Maritime Law at Brussels, 1922; European Railway Conference at Paris, 1922; Conference at The Hague, 1923.

[9] Temperley, H. W. V., *A History of the Paris Peace Conference,* I, 246.

[10] *The Round Table,* XIII, 220.

in their own right.[11] The outcome was that of Great Britain's nine diplomats sent to Washington, five were taken from the Dominions and India and upon their recommendation. Similarly, at the Genoa Conference of 1922, Britain's delegation contained envoys from the group.[12] When represented by their own delegates, the Dominions usually work out a common policy with the mother country before the conference is convened, though in theory they preserve the right of separate action.

Conferences whose membership is large have also contained the representatives of states that are comparatively insignificant in area, population, and general influence. The practice is not a new one, for states like Montenegro, Luxemburg, and the Central American group were present at many gatherings that took place before the World War. Extremely diminutive countries, such as Lichtenstein, Monaco, and San Marino, have not yet been admitted to the halls of deliberative bodies,[13] although the smaller states of Germany such as Baden and Wurtemburg were invited to the Geneva Conferences of 1864 and 1868.

Conditional participation.—A state that has been invited as an interested party to send delegates to a conference may adopt any one of several policies. The normal courses of procedure are either unconditional acceptance or rejection. Occasionally, however, a nation expresses

[11] *The Round Table,* XIII, 220.

[12] Mills, J. Saxon, *op. cit.,* p. 73.

[13] See Hudson, M. O., "Membership in the League of Nations," *American Journal of International Law,* XVIII, 436 ff. Those three countries applied for membership in the League of Nations but were refused the right of full participation. The Assembly appointed a committee which recommended three alternative plans for co-operation short of membership.

itself as willing to become a participant on the basis of one or more conditions. The United States in agreeing to attend the Second Hague Conference of 1907 reserved to itself the liberty of submitting to the conference two questions not included on the program, namely, the reduction or limitation of armaments, and the matter of limiting the use of force for the collection of ordinary public debts arising out of contracts.[14] Japan accepted the American invitation to attend the Washington Conference of 1921–22 on the following conditions: (*a*) that there be a free discussion of the agenda in advance of the date set for convening, and (*b*) that subjects already settled or which concern solely a given nation be excluded.[15] Reservations of this nature are not ordinarily so grave as to prevent the calling of the conference. Russia's attitude in regard to the American conditions of participation in 1907 was that if subjects of discussion were brought up in which she had no interest she would reserve, in turn, the right to take no part.[16]

Observers and delegates.—Small nations who are asked to send delegates have sometimes assumed the attitude that, although they are concerned, they prefer to have their point of view presented by one of the large powers rather than through an envoy of their own. For instance, Montenegro was represented by Russia at the First Hague Conference of 1899. Quite naturally a nation is more loth to turn its interests over to another when

[14] Scott, J. B., *op. cit.*, pp. 105–6. Spain, England, Japan, Bolivia, Denmark, Greece, and the Netherlands also reserved to themselves the right to submit questions not explicitly mentioned on the agenda.

[15] "Japan's Fear of the Arms Conference," *Current History*, XIV, 1035.

[16] Scott, J. B., *op. cit.*, pp. 105–6.

the conference has on its agenda subjects that affect its welfare vitally.

During recent years invited powers that are not in full accord, for one reason or another, with a projected gathering, have adopted the system of sending an "unofficial observer." The immediate precedent for the practice appears to have been the position of the United States in the war-time Supreme Council of the Allies fighting against Germany, in which an American diplomat was present but without the right of discussion.[17] Since 1919 we have been more inclined to make use of the observer than any other nation. Two months after his inauguration President Harding resumed American participation in the Allied Supreme Council by instructing Colonel George Harvey to act as his representative. At the same time he asked the American Ambassador to France to become an "unofficial observer" in the Conference of Ambassadors at Paris, while Mr. R. W. Boyden was designated to sit again "in an unofficial capacity" on the Reparations Commission. Similarly, the United States has sent representatives for consultation purposes to be present at different committee meetings of the League of Nations, and to a considerable number of conferences, some of them meeting under the auspices of the League and others on an independent status. When a proposed gathering has been related to American interests and a close co-operation has not been warranted, the State Department has sent one or more persons to act as observers.[18] At the Geneva Conference of 1927, called

[17] Hankey, Sir M., "Diplomacy by Conference," *The Round Table,* XI, 286–311.

[18] The United States has been represented by "unofficial observers" at several important conferences, such as the Lausanne Confer-

by President Coolidge to discuss questions concerning the limitation of armament, Italy and France adopted the American idea rather than remain entirely unrepresented in a meeting where they were interested but felt that bona fide membership was impossible.

Persons sent in an unofficial capacity are, of course, without authority to commit any act that will be binding upon the governments they represent. They have usually considered themselves to be debarred from both voting and speaking. At a meeting of the Opium Committee of the League of Nations early in 1923 the Honorable Stephen G. Porter, American "silent observer," stated the attitude of his government and then withdrew from all further discussions. With so little power at his disposal, a person who is sent unofficially to a conference is not expected to achieve much in the way of international cooperation. Essentially inactive as he must be, his presence still connotes some facts that may be significant. At least it shows the sympathy of his state with the general purposes of the meeting. More important still, it provides for an exchange of information, one-sided to be sure, but nevertheless beneficial. Even official representatives are sometimes so bound by their instructions that they are unable to participate effectively in the work of a conference. The position of the American representatives in the Second Opium Conference of 1924–25 is an excellent example.[19]

A nation that agrees to become a full participant in the work of a conference is under an obligation to send diplo-

ence of 1922, the Genoa Conference of 1922, the Portorose Conference of 1921, and the London Reparations Conference of 1924.

[19] Buell, R. L., *The International Opium Conferences,* World Peace Foundation Pamphlets, Vol. VIII, Nos. 2, 3. See below, pp. 44–46.

matic envoys, or plenipotentiaries. Their credentials are early approved by the assembly and they become entitled to debate, vote, act on committees, and sign draft-treaties and conventions.

Inequality of representation.—On account of the great disparity among the participating powers of a conference as to their size and the degree of their interest in the subjects of the agenda, it has come to be a common custom for some to send more delegates than others. The practice is not new. At the Conference of Berlin, for instance, in 1884–85, Germany was represented by four envoys, while Austria-Hungary had only one and the United States two.[20] At the Hague Conferences of 1899 and 1907 there was a great difference in the number of plenipotentiaries sent by the powers on account of the fact that each was permitted to send as many as it wished.[21]

Post-war international conclaves have tended much more than earlier ones to classify their member states on the bases of interests, size, or influence, and to allot to those of each group a fixed number of delegates. The Paris Peace Conference with its system of unequal representation has served as an example that later gatherings have frequently copied.[22] For the Genoa Conference of 1922 it was provided that the seven large states should be known as the "convening powers," and that each of them should be entitled to send five plenipotentiaries,

[20] Satow, Sir E., *op. cit.*, p. 57.

[21] Scott, J. B., *op. cit.*, II, 257–85. The United States had seven plenipotentiaries; Nicaragua had one.

[22] "Rules of Paris Peace Conference," *International Conciliation*, No. 139 (1919), pp. 13–18. Some states had five delegates, some had three, but most of them had one or two.

while in addition the British Empire was allowed four Dominion delegates.[23] Nineteen countries were permitted two representatives each, and one, Luxemburg, was allotted one, while the United States remained satisfied with its "unofficial observer." Even when no arbitrary classification has been made, international gatherings since the war have generally allowed the large or more interested nations the privilege of a larger delegation.[24]

In view of the rule that each state shall have only one vote at an international meeting, inequality of representation is not so consequential as it otherwise might be. It does insure, however, that each of a few states has at its command a more adaptable personnel, a more complex internal organization, and a greater man-power for use on committees and subcommittees. It results, further, that a select group of nations have more tongues to speak their will and to advocate their cause.

The system of representation at the Washington Conference on the Limitation of Armament had the same motive of according to certain nations a larger degree of participation than to others, but it involved somewhat different methods of procedure. Nine powers were invited to take part in the discussions of Far Eastern affairs, but only five were requested to deliberate on armament ques-

[23] The seven were: France, British Empire, Belgium, Japan, Italy, Germany, and Russia. See Mills, J. Saxon, *op. cit.*, pp. 73–75.

[24] At the Portorose Conference (1921) representation was as follows: Italy, 10; France, 4; England, 3; Jugoslavia, 5; Czechoslovakia, 6; Roumania, 4; Poland, 2; Austria, 6; Hungary, 5; United States, an "unofficial observer."

At the Conference on Central American Affairs (1922–23) four powers had two delegates each and two (Nicaragua and Honduras) had three each. Other conferences have shown the same wide distribution of representation.

tions.[25] States belonging only to the latter group did, in fact, send from one to three delegates, and those placed in the former class had four plenipotentiaries each, except for the British Empire, which was allowed nine. The practical result of such an arrangement was the division of the conference into two sub-conferences, a fact which becomes even more evident from a study of the internal organization of the Washington gathering.[26] Again, there is a recent precedent for this scheme in the organization of the Paris Peace Conference with the division of its members into those with "general interests," those with "special interests," those in a "state of diplomatic rupture with the enemy," and "neutral powers and states in the process of formation."[27] By one device or another it has become common in post-war conferences of importance for a few states to obtain greater representation than has been allotted to the rank and file.

The diplomatic ranks of plenipotentiaries.—In the conferences that met before the World War, participating governments generally sent as their delegates three classes of persons. For important gatherings the foreign secretaries were occasionally placed in charge of the individual delegations. To the Congress of Berlin in 1878, Italy, Great Britain, France, Austria-Hungary, and Germany all included the secretary of foreign affairs among their plenipotentiaries, either as the chief of the delegation or

[25] *Conference on the Limitation of Armament, 1921–22,* pp. 4–10.

[26] The two main committees, for instance, were: Committee on Program and Procedure with Respect to the Limitation of Armament, and Committee on Program and Procedure with Respect to Far Eastern Questions.

[27] "Rules of Paris Peace Conference," *International Conciliation,* No. 139 (1919), pp. 13–18.

as a mere member.[28] Almost invariably the foreign secretary of the state in which the meeting was held was chosen as the first delegate of his country, even when other nations designated persons of lower rank.[29] For an ordinary peace-time conference, member states have been inclined in the past to make use of the diplomatic personnel located either in the country where the meeting is to take place or in a capital city near by. At the Conference of Berlin in 1884–85 and the Algeciras Conference of 1906, for instance, the delegates of a considerable number of the powers were the ambassadors or ministers accredited to Berlin and Madrid, respectively.[30] From time to time, when the local diplomatic staff has seemed inadequate, representatives have been appointed *ad hoc,* usually to supplement the regular envoys rather than to substitute for them. The first plenipotentiaries of most of the countries at the two Hague Conferences and at the International Naval Conference in London, 1908–09, were chosen *ad hoc,* but the local personnel of each country was also used.

Post-war conferences have often contained representatives of still higher rank in addition to the three classes of diplomats that have been described. Prime ministers of participating states have frequently regarded a meeting as of highest moment and preferred to keep negotiations within their own hands rather than trust the skill of a subordinate. Almost never before 1914 did a prime minister or chancellor enter the halls of a peace-time inter-

[28] Satow, *op. cit.,* p. 56.

[29] *Ibid.,* pp. 52–62. For instance, at different conferences held in London in 1830–33, 1850–52, 1867, and 1871, Great Britain employed her Secretary of State for Foreign Affairs as her first delegate.

[30] *Ibid.,* pp. 56–58.

national assembly unless, perchance, it was deliberating in his own country, and even then the occurrence was unusual. Bismarck, Chancellor of the German Empire, was a delegate both at the Congress of Berlin in 1878 and at the Conference of Berlin in 1884–85. It was a more common policy for prime ministers to attend peace conferences, but there was nothing like a settled practice even here.[31] The Paris Peace Conference of 1919 was noted for the presence of premiers and presidents, and apparently its influence has extended to the gatherings that have taken place since its termination. In the Supreme Council the executive heads of the principal Allied Powers continued their "diplomacy by conference" until the end of 1923. Still more significant has been the frequent representation of the nations by their chief ministers in general conferences that were unrelated to war-time organizations. For instance, the first plenipotentiaries of the British Empire and France at the Washington Conference on the Limitation of Armament were Mr. Lloyd George and M. Briand, respectively.[32] At the Genoa meeting of 1922 there were three prime ministers among the heads of the delegations of the convening powers.[33] Several chiefs of state were also present at the Locarno Conference of 1925.[34] International gatherings of smaller pretensions have continued to be made up of foreign sec-

[31] At the Vienna Conference of 1815 and the Paris Congress of 1856 only a few of the delegates were prime ministers or chancellors.

[32] *Conference on the Limitation of Armament, 1921–22,* pp. 18, 30. Mr. Lloyd George is listed as delegate, but, in fact, he did not participate, and Lord Balfour acted as British first delegate.

[33] Mills, J. Saxon, *op. cit.,* pp. 73–74.

[34] *The Locarno Conference,* World Peace Foundation Pamphlets, Vol. IX, No. 1; the names of Chancellor Luther, Prime Minister

retaries, ambassadors, ministers, and delegates *ad hoc.* The Conference on Central American Affairs, for example, contained only representatives of the regular conventional ranks.[35] Whether the post-war innovation that the prime ministers of European countries have introduced will prove permanent is solely conjectural, but their continued interest in the field of foreign affairs suggests that an immediate relinquishment of the new idea will not occur.

The organization of delegations.—The delegations of participating states to an international gathering are often complex, especially when the deliberations are far-reaching. In addition to the plenipotentiaries, of whom one is usually placed in charge, each state will have a secretarial staff with available clerical personnel established, a group of technical advisers, agents to deal with the press, and, quite probably, a disbursing officer and a person in charge of archives. The main powers present at the Washington Conference of 1921–22 had internal organizations that admitted those officers and the division of labor which they represent.

The experts attached to delegations.—Most significant in the personnel equipment of member states in international gatherings has been the growing emphasis upon the technician, or "expert" as he is commonly called. International relations have come to involve complex situations where a mastery of voluminous facts and details is the obvious alternative to momentous failure. Plenipotentiaries are not presumed to be experts, except in the art of diplomacy. It is their business to safeguard and

Baldwin, and Prime Minister Mussolini were affixed to several pacts formed.

[35] *Conference on Central American Affairs, 1922–23,* pp. 14–18.

promote their countries' interests by a dependable resourcefulness and a readiness in the give-and-take of a round-table debate. It would be futile to demand that they should be at once authorities in international law, economics, military, naval, and other questions that so often become involved in the work of a conference. The equipment of the technician supplements that of the diplomat in the presentation of their nation's cause before a deliberative body; the one provides the materials in the form of facts, figures, and rules, while the other makes out of them a group of policies which he strives to defend or advance.

The usefulness of the technically trained man in the work of an international conference is not a new discovery. Diplomatic gatherings during the nineteenth and early twentieth centuries made a meager beginning in the now common practice of listening to the advice of specialists. Even at the Peace Congress of Vienna in 1815 a statistical commission was established with the limited function of arranging and presenting statistics of population which could be utilized in the territorial readjustments that were undertaken.[36] The incident did not imply any passion for a scientific and disinterested peace settlement; the limited nature of the information which the commission sought suggests on the contrary that opinions and prejudices must have dominated. Conferences in time of peace during the latter half of the nineteenth century that dealt with questions of international law usually contained military and naval officers as advisers. At the Geneva Conferences of 1864 and 1868 dealing with the treatment of sick and wounded in land warfare, partici-

[36] *Congress of Vienna,* Peace Handbook, No. 153, p. 87.

pating states found it convenient to send surgeons and officers of the army and navy.[37] Of the sixteen nations that took part in the Conference at St. Petersburg in 1868 relative to the employment of explosive bullets in war, seven had officers of their fighting forces present either as plenipotentiaries or as advisers.[38]

The two Hague Conferences of 1899 and 1907 marked still greater progress in the use of the technician. In addition to military and naval representatives, there were experts in international law and persons of experience in the practice of international arbitration. The American delegation at the first meeting in 1899 was composed of Mr. Andrew D. White, ambassador at Berlin; Mr. Seth Low, president of Columbia University; Mr. Stanford Newel, Minister to The Hague; Captain A. T. Mahan, naval delegate; Captain Crozier, military delegate; and Mr. F. W. Holls, a lawyer who had been interested in arbitration.[39] The delegations of the other members of the Conference were very similar in composition. To the Second Hague Conference the United States sent seven plenipotentiaries, two of whom, Rear-Admiral Sperry and General George B. Davis, were, respectively, naval and military authorities; in addition there were two technical delegates, Mr. James Brown Scott, expert in international law, and Mr. Charles Henry Butler, expert attaché.[40] The London Naval Conference of 1908–09 made use of technicians of the same types in its attempt to elaborate a

[37] Satow, Sir E., *Diplomatic Practice,* II, 118–27. For instance, Prussia sent in 1864 a military surgeon, an employee from the Ministry of War, and her minister at Berlin.

[38] *Idem.*

[39] Scott, J. B., *op. cit.,* p. 147.

[40] *Ibid.,* p. 156.

code of international law for maritime warfare. Conferences that met before the World War to deal with immediate situations of a disturbing nature, rather than with such matters as the development of international law or disarmament, were less inclined to use the specialist. None was present, for instance, at the Conference at Berlin in 1884 in regard to Africa, or at the Algeciras Conference of 1906 that dealt with Morocco.

The Paris Peace Conference of 1919 was a point of departure for post-war gatherings in the use of advisers, as in many other respects.[41] While it was not the first peace conference to indulge in the practice, it did put the technician in a far more conspicuous place than he had before attained. In addition to "experts" on military, naval, and legal questions, there were men trained in financial, economic, ethnic, and other matters.[42] President Wilson's belief in the utility of the specialist is evident from his statement to his own group on board the SS. "George Washington": "Tell me what is right and I will fight for it—give me a guaranteed position."

Since the World War conferences of major importance have contained imposing arrays of advisers, while lesser gatherings have had a correspondingly small group or, on some occasions, none at all. Specialists were very much in evidence at the Genoa Conference of 1922 and at the Washington gathering of 1921–22. The number of technicians used by the powers at the latter meeting was as follows:

[41] Experts were present at the Conference of Bucharest in 1913 that terminated the second Balkan War, but they were not conspicuous.

[42] Temperley, H. W. V., *History of the Paris Peace Conference*, I, 224.

The United States	55	China	82
Belgium	4	Japan	89
Great Britain	43	(including secretaries)	
France	25	The Netherlands	8
Italy	24	Portugal	None

Where experts have not been used in recent conferences their services have been employed frequently in the preliminary arrangements of participants.

The casual observer often makes the mistake of concluding that because experts have been called into a conference for consultation there is going to be a scientific settlement entirely divorced from the old diplomacy and its methods. The use that has been made of specialists to date is no justification for so sanguine an attitude. Their practical utility has been thus far of a limited nature.

In the first place, many persons who have been put in the capacity of advisers have been "experts" only in name. At the Paris Peace Conference there were a large number who had familiarized themselves with the subject at hand during the period of the war when they had acted as counsel to their own government.[43] This was particularly true in the American and British delegations where "much of the knowledge they paraded was necessarily somewhat superficial," as one commentator records.[44] At the time when the conference opened none of the British "experts" on a certain state had ever been in that country. Conferences since the World War have been somewhat less open to criticism on this score, although they are still far short of perfection. Among the American technical staff at the Washington Conference of 1921–22 were many authorities of high repute, such as Mr. G. G. Wilson and Mr.

[43] Temperley, H. W. V., *op. cit.*, pp. 244–45.

[44] *Idem.*

J. B. Scott on legal questions, and Mr. W. S. Culbertson on economic affairs. Specialists at post-war gatherings have generally been taken from the executive departments of the governments who have used them. While their capacity as advisers may not be affected by their dual status, it is possible that in some cases a smaller degree of independence may restrict the presentation of facts. The more limited program of recent gatherings as contrasted with the wide field of interest in which the Paris Conference concerned itself has resulted in an increased availability of advisers. On certain subjects taken up by the peace conclave specialists were very scarce. M. Orlando made that fact clear in the following statement: "Mr. Lloyd George's resolution said that specialists would be appointed. What kind of specialists? If it was intended to appoint specialists on Roumania, he himself had none and they would be difficult to find."[45]

The usefulness of the technician is further limited by the fact that his findings, however accurate they may be, are so easily discarded. There are often several lines of inquiry that should lead up to the settlement of a controversy. As M. Orlando pointed out in 1919, the Roumanian question at once involved geographical, historical, strategical, and ethnographical data. Ideally, the diplomat should weigh the various funds of information that are placed at his disposal and determine the extent to which they should act as factors in the formation of a decision. But it is tempting for a plenipotentiary to single out the one group of figures that is in line with his own precon-

[45] Baker, Ray S., *Woodrow Wilson and the World Settlement* (copyright 1922 by Doubleday, Page & Company, and reprinted by special permission of Doubleday, Doran & Company, Inc., Publishers), I. 186.

ceived notions and to capitalize that partial information. When this is done the most efficient experts available become mere tools of the master diplomat. The technician is at best only an adviser whose facts and recommendations may be utilized or ignored.

The usefulness of experts has been increased in some instances where they have not only suggested facts in an individual capacity to the regular delegates but have also been constituted into committees or subcommittees to make a study and report back to the main body of the assembly. Their powers remain advisory, but committee action has the advantage of allowing exchange of views and agreement as to methods of handling facts and information so that there is less likelihood of conflicting reports. The Washington Conference on the Limitation of Armament used several subcommittees of experts.[46]

While the current system of experts at conferences is in need of improvement both in personnel and in working methods, the contribution it makes to the success of deliberations is considerable. It constitutes a recognition of the complexities of international relations by placing data within reach of the diplomat. Thus far technical advisers have fortified the positions of individual participating states and plenipotentiaries. It remains to develop them into scientific agents of internationalism.

The instructions to plenipotentiaries.—In view of the fact that the individual members of a conference are only the spokesmen of the participating states, it follows that they are ordinarily placed under instructions as to

[46] There were, for instance, a subcommittee on the Standard Naval Ton consisting of two naval experts from each state, and a Naval Subcommittee with one naval expert from each. See *Conference on Limitation of Armament,* pp. 420, 566.

the attitudes they shall assume on the subjects of the agenda. The official advice that is given to them may be communicated orally before the diplomats set out on their mission, it may be put in writing, or it may take both of those forms. In any case, with the means of rapid communication that are now available, supplementary instructions during the period of the conference have become practicable. The plenipotentiary therefore is obliged to confine his activities within a carefully defined area, and if he commits himself in excess of his powers his government is justified in disavowing his acts or refusing to ratify what he has done. This does not mean that the conferee has degenerated into an automaton. There are still many minor decisions that he must be allowed to make and there is the challenging opportunity of obtaining recognition of his country's attitude. Mr. C. E. Hughes's description of the function of the diplomat since the development of modern means of communication applies equally to the conference representative. He writes:

> Information, arguments, demands, may be transmitted, but the art of persuasion needs the personal touch. In the harassing multiplicity of things, the direct approach saves time and brings results. No mechanism will ever take the place of interviews of men who respect and trust each other. No business organization in any matter of importance forgets this.[47]

A plenipotentiary's instructions are commonly framed by the executive branch of his government, the responsible agent for the conduct of foreign affairs. An exception to the rule recently occurred when the American delegates to the Opium Conference of 1924–25 were directed by a Congressional resolution as to the attitudes they should

[47] Lay, T. H., *The Foreign Service of the United States,* Foreword by Hon. Charles E. Hughes, p. ix.

assume.[48] On May 15, 1924, when an appropriation of forty thousand dollars was authorized, Congress provided further

> that the representatives of the United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the habit-forming narcotic drug traffic as set forth in the preamble.

During the proceedings of the conference it became evident that the American attitude would not be accepted and our representatives left Geneva. Before their withdrawal they issued the following statement:

> In the circumstances, the delegation of the United States, in pursuance of the instructions received from its government, has no alternative under the terms of the joint resolution authorizing its participation in the conference other than to withdraw, as it could not sign the agreement which it is proposed to conclude.[49]

Legislative instructions, such as the foregoing, are open to objection. They are lacking in the flexibility that accompanies executive management. They allow for no shift of position or readjustment. If all of the participating nations of a conference issued their directions by a legislative process, deadlocks and incidents similar to that which developed at the Opium Conference would be inevitable. Moreover, from the point of view of American constitutional law, such a practice has a very doubtful standing. Senator Daniel Webster objected to a proposal to impose conditions upon the American delegates at the Panama Congress of 1826 on the ground that it would be unconstitutional, "taking proper responsibility from

[48] Wright, Q., "American Withdrawal from the Opium Conference," *American Journal of International Law,* XIX, 350.

[49] *Idem.*

the executive and exercising a power which, from its nature, belongs to the executive."[50]

The flexibility of instructions will be further served if they are framed in terms that are somewhat general, relegating to the discretion of the plenipotentiary all matters except those of fundamental concern in regard to which definiteness is desirable. The directions issued by Secretary of State Hay to the American delegates to the First Hague Conference were in many ways exemplary.[51] The attitude which should be assumed on each item of the agenda was stated. It was urged in some instances that the initiative in discussions be left to other powers; in others it was urged either that the American representatives "not give their influence to the promotion of projects," or that they actively support them. There were two annexes to the text of the instructions, one a résumé of the historical position of the United States on the question of arbitration and the other a plan for an international tribunal which the American delegates were to propose. The instructions of Secretary of State Root to the American representatives at the Second Hague Conference were somewhat longer, but were equally well arranged. In fact, it rarely happens that the directions are issued in such a way as to tie the hands of the plenipotentiaries.

[50] Benton, T. H., *Abridgment of Debates in Congress*, IX, 91.

[51] See Appendix C for a copy of those instructions.

Chapter III—PEACE-TIME CONFERENCES: PRELIMINARY ARRANGEMENTS

An international conference must be preceded by much negotiation, particularly if it is expected to be of considerable proportions either in composition or in subject-matter. There are arrangements to be made that may affect vitally the tasks to be undertaken later. An advantage of placing conferences on a periodic basis and relating them to some fixed organization is the facilitation of preparatory measures. For the ordinary gathering in time of peace, such as the Washington Conference on the Limitation of Armament in 1921–22, or the Conference on Central American Affairs in 1922–23, preliminary matters can be dealt with only through the regular diplomatic channels. It is interesting to observe that the Second Hague Conference of 1907 considered the work of preparing for a diplomatic gathering so arduous and significant that a resolution was adopted which would establish a "preparatory committee" to take care of the preliminary details.[1] No such organization was ever effected but the mere suggestion of it intimates that the participants of the Hague gatherings believed that their work would have been more satisfactory if details of procedure and organization had been placed in the charge of a responsible body.

The initiative in calling a conference.—The idea of holding a meeting is commonly conceived within the governmental machinery of some individual state[2] that is

[1] Scott, J. B., *op. cit.*, p. 736.

[2] It was the neutral position of the United States that made it feasible for President Roosevelt to suggest the Algeciras Conference in 1906 to settle a diplomatic tangle between France and Germany over Morocco. See Thayer, W. R., *President Roosevelt*, p. 228.

interested to an unusual degree, though on a number of occasions it has been the isolated position of a nation that has enabled it to take the lead in such a movement. The notion of a conference on Central American Affairs in 1922–23 was first developed by the United States Government, at once an interested and a neutral party.[3] The scheme for a diplomatic gathering at Berlin in 1884–85 at which African problems should be discussed emerged first in the diplomatic correspondence of France and Germany, two of the most involved powers.[4]

Occasionally a nation has taken the leadership in the calling of an international assembly from no outstanding motive of self-interest and also without regard to an advantageous neutral position, but merely as a champion of the idea of co-operation among states. Russia, under the enlightened Czar Alexander II, was ultimately responsible for several well-known gatherings that aspired to raise the moral level of current internationalism. The wars of 1864 and 1866 were bloody ones, and the fear of similar conflicts in which newly invented explosives might be utilized induced the Emperor of Russia to call a conference at St. Petersburg for the purpose of humanizing war.[5] Unofficially, Alexander II was the cause of the Conference of Brussels in 1874 to deal with the international law of war on land.[6] Czar Nicholas II, inheriting a certain idealism from some of his ancestors, became the inspiring genius for the First Hague Conference of 1899,

[3] *Conference on Central American Affairs, 1922–23,* p. 4.

[4] Satow, Sir E., *International Congresses and Conferences,* pp. 28–29.

[5] Scott, J. B., *The Hague Peace Conferences of 1899 and 1907,* I, 21.

[6] *Idem.*

while the second gathering of 1907 was fostered in the main by the United States.[7] It is sometimes possible to discover the influence of private organizations behind the activities of a state which has assumed the initiative. The American Peace Society in 1903 and the Interparliamentary Union in 1904 requested the President of the United States to exert himself in behalf of the Second Hague Conference that ultimately occurred in 1907.[8] The Geneva Conference of 1864 for the purpose of drafting rules for the protection of the sick and wounded in land warfare might not have been called by Switzerland had it not been for the efforts of the Geneva Society of Public Utility.[9]

There have been several international gatherings, particularly during the post-war period, that have occurred as a result of an earlier international meeting rather than on account of the efforts of any single state. The Genoa Conference of 1922 provided by resolution for future deliberations at The Hague starting on June 26, 1922, to deal with debts, private property, and credits.[10] The Portorose Conference of the Succession States to Austria-Hungary in 1921 was an outgrowth of an earlier meeting of the same group at Rome.[11] Instances of this sort are due to a variety of causes. The earlier gathering may have proved inadequate to its tasks on account of its personnel, the place of meeting, or the limitations of its agenda. The first two factors were present in the Genoa Conference of 1922. It was assumed by the Hague Con-

[7] *Ibid.*, pp. 33, 89.

[8] *Ibid.*, pp. 89–90.

[9] *Ibid.*, p. 20.

[10] "The Hague Conference," *The Round Table,* XII, 808.

[11] "The Portorose Conference," *International Conciliation,* No. 176 (1922), pp. 6-7.

ference of 1899 that later meetings would take place to deal with matters that either were left unfinished or were not originally included in the agenda; the Second Hague Conference of 1907 specifically provided for a later meeting.

Preliminary exchange of notes.—When the idea of a conference has developed to the point of action it may become desirable for the state or states that are sponsoring it to undertake an early exchange of notes, even before the invitations are issued or the agenda framed, with a view to discovering the attitude of other nations toward the general project. These "feelers" are particularly commendable when the conference task is of an involved or highly controversial nature. The earliest possible agreement on the fundamentals of a proposed diplomatic gathering will permit more detailed attention to the texts of the invitations and agenda, as well as to the preparations of individual participating states. Between August 12 and August 24, 1898, the Russian Minister of Foreign Affairs, Count Mouravieff, handed imperial rescripts to the diplomatic representatives accredited to the court at St. Petersburg for the purpose of sounding out the views of other states in regard to the meeting which was to be held at The Hague.[12] They were indefinite in content, evidently intended only as a method of ascertaining the general attitude of the powers. On account of the fact that this assembly was designated to occur on the territory of another country, Holland, an early exchange of views was especially desirable. The invitations to the Washington Conference on the Limitation of Armament were prefaced by a period of diplomatic correspondence. The

[12] Scott, J. B., *op. cit.*, I, 39–41.

text of the invitations to that gathering refers to the "cordial response" to the President's initial suggestions.[13]

The agenda.—Nothing that is related to the preliminaries of a conference is more critically important than the process of agreeing upon an agenda. Every participating state must zealously watch the program with a view to prohibiting a discussion of subjects of which an "airing" would cause embarrassment, or in regard to which its own stand is so immutably fixed that a reconciliation of differences of opinion would be hopeless. Prior to the several conferences of the Quadruple Alliance between 1815 and 1822 England consistently refused to attend until the program had been formed.[14] The Duke of Argyll once wrote: "It was reasonable, too, as it always must be, not to go into Congress without some previous understanding with the powers to be assembled there."[15] Certainly a precise agenda, mutually agreeable to all participating states, promises a greater likelihood of success. A rupture would be inevitable in the course of a conference if there were no concensus of opinion on this fundamental matter.

The importance of the agenda was well brought out at the Conference on Central American Affairs at Washington in 1923. There was an effort made at an early session to bring before the gathering a subject of discussion which had not been included in the original program. Secretary of State C. E. Hughes, who was chairman, made several illuminating remarks in regard to the situation. He said:

> It is usual when a conference is called to interchange some views as to what is to be discussed, because no power desires,—

[13] *Conference on the Limitation of Armament, 1921–22,* p. 4.

[14] Satow, Sir E., *International Congresses and Conferences,* p. 5.

[15] The Duke of Argyll, *The Eastern Question from 1856,* II, 128.

and I am now not speaking of the Central American powers especially, but all powers,—no power wishes to be put in a position where it will be compelled to discuss something that it does not want to discuss.[16]

As chairman, Mr. Hughes successfully ruled that no new subject could be brought before the gathering without the unanimous consent of all participating states. Contrary to the suggestion of one delegate, it was not allowed that the United States, which had framed the original program and included it in the invitations, might arbitrarily alter the list of subjects comprehended therein.

The agenda of a conference may be formed by any one of several processes in a majority of which the initiative of the inviting power is discernible. In the first place, the text of the invitations frequently specifies the subjects to be discussed so definitely that no further action is necessary. The British Secretary of State for Foreign Affairs stated in the invitations for a conference at London in 1871 that the purpose was to deal with proposals to be made by Russia in regard to the revision of the agreement neutralizing the Black Sea. That statement of the program was accepted by the other powers as adequate.[17] Similarly, the invitations to meet at Berlin in 1878 intimated that the terms of the Treaty of San Stefano were to be the basis of discussion.[18] Occasionally, when the statement of purpose that is given in the invitations is accepted as definite enough to justify participation, it is considered not sufficiently specific to facilitate procedure. In such instances the conference is at liberty to amplify the agenda by unanimous consent. The American notes

[16] *Conference on Central American Affairs, 1922–23,* p. 80.

[17] Satow, Sir E., *International Congresses and Conferences,* p. 44.

[18] *Ibid.,* p. 45.

to the Central American powers asking them to convene in Washington in 1922–23 contained a group of three main subjects for discussion, and further stated that "any other questions which the countries represented at the conference unanimously desire to consider" would be in order.[19] It was decided to have the committee of the whole of the assembly draft and present a more exact program.

It has frequently happened that an adequate outline of topics for discussion is agreed upon through a preliminary exchange of views. The inviting power obviously has less control over a program which is fashioned by such a process. This method affords a better opportunity to revise the original proposals. On February 10, 1927, President Coolidge reported to Congress that he had sent identic notes to London, Paris, Rome, and Tokyo, asking those governments to be present at a limitation of armament conference. It was made clear that his invitation had within it a definite program, which was, briefly, to apply the ratio of 5-5-3 to the smaller ships of war of England, the United States, and Japan, and to decide the ratios for France and Italy at the conference.[20] France refused to participate, being opposed to the particular scheme of disarmament which the American project sought. Had an exchange of views taken place in regard to the program of the conference, France would have had a better opportunity to influence its contents, and American authority over the agenda would have been correspondingly less. As it was, without a fair chance to alter the proposed agenda, the only alternative for France was to decline to attend. The Locarno Conference of 1925

[19] *Conference on Central American Affairs, 1922–23,* p. 4.

[20] Gerould, J. T., "The Naval Powers' Reception of the American Proposal," *Current History,* XXVI, 93.

was preceded by an elaborate exchange of notes, starting with the German overtures of February 9, 1925.[21] There were six communications between Germany and France before an invitation was issued. These *pourparlers* unquestionably accomplished much toward elucidating the issues of the conference, thereby contributing toward the success which it later achieved. A program which is developed by an exhaustive exchange of views through the regular channels of diplomacy is likely to be more mutually satisfactory than one formed by a single state and presented to the others for acceptance or rejection.

It has sometimes occurred that the agenda of a conference has been framed and agreed upon after the invitations have been issued and accepted. On August 11, 1921, after a considerable amount of preliminary negotiation, President Harding communicated formal invitations to Great Britain, France, Italy, Japan, and China to attend the Washington Conference.[22] An acceptance was given by each, Japan replying on August 24 that her participation was conditioned by a free exchange of views before the conference met in regard to the contents of the agenda.[23] In September the Secretary of State of the United States issued tentative suggestions to the powers as to the program that should be presented to the gathering.[24] After some controversy, in which Japan attempted to exclude from consideration matters already agreed upon and affairs that were the sole concern of any two states, an agreement was made.

[21] *The Locarno Conference,* World Peace Foundation Pamphlets, Vol. IX, No. 1.

[22] *Conference on the Limitation of Armament, 1921–22,* pp. 4–10.

[23] *International Conciliation,* No. 169 (December 1921), 473–74.

[24] *Conference on the Limitation of Armament, 1921–22,* p. 10.

Still another method by which an agenda may be arranged is through the efforts of some related organization. The Supreme Council at a meeting at Cannes on January 6, 1922, drafted the program of the Genoa Conference in the form of a resolution containing six main topics.[25] The precise language of the document was fixed by a committee of five acting for the Council. Action of this nature is, of course, impossible unless the projected conference has some organic connection with another international body. It is one of the virtues of permanent organizations like the League of Nations and the public international unions that this procedure may be utilized.

From the foregoing description of the different methods of preparing an agenda a lack of uniformity is apparent. There is no restriction as to the devices that may be employed, and consequently there is a desirable element of flexibility that permits an adaptation of the means to whatever conditions exist.

The completed formal agenda of a diplomatic gathering is ordinarily brief and precise. For purposes of convenience it is customary to divide it into topics with sub-topics. Some are considerably less detailed than others, but almost without exception the program of a conference is short enough to be contained on one page of average-size type.[26]

The invitations.—The invitations to a conference may likewise be issued under a variety of circumstances.[27] Usually the state that is going to furnish shelter and equipment is considered to be the logical inviting agency,

[25] Mills, J. Saxon, *The Genoa Conference,* pp. 316–17.

[26] See Appendix E for verbatim copies of the agenda of several important conferences.

[27] See Appendix D for copies of invitations.

particularly if the initiative in the negotiations that have preceded were taken by that power. For instance, in the dispute between Prussia and Denmark in 1850–52 in regard to Schleswig and Holstein, England proffered her good offices, and as the inspiring genius of the conference at London requested the presence of interested parties.[28] Similarly, the United States notified the powers of the Washington Conference on the Limitation of Armament and asked them to send delegates. Even when the meeting is expected to convene on the soil of a nation that has not been its main sponsor, the practice has been current of allowing the formal invitations to proceed from the capital of the state that is in the rôle of host. The Dutch Government requested the participation of the nations in the Hague Conferences, even though it had not conducted the negotiations that preceded their call.[29] Spain sent out the invitations to the Algeciras Conference of 1906, although the United States was its early champion.[30] While the Genoa Conference was the result of the deliberations of the Supreme Council at Cannes, it was the Italian Government that sent the notices to the thirty-four states whose presence was deemed advisable.[31]

There have been isolated instances of the issuance of invitations in ways quite different from the customary ones that have just been described. The Locarno Conference of 1925 was unusual by reason of the fact that it was held in Switzerland, a non-participating state. Being only indirectly interested, and not acting as host to the gathering, Switzerland was not in a position to request

[28] Satow, Sir E., *International Congresses and Conferences,* p. 41.

[29] Scott, J. B., *op. cit.,* p. 47.

[30] Satow, Sir E., *International Congresses and Conferences,* p. 30.

[31] Mills, J. Saxon, *op. cit.,* pp. 9–32.

the presence of other powers. The formal invitations were therefore transmitted to Germany on behalf of Belgium, France, and Great Britain by their respective ambassadors at Berlin.[32] The Conference on Central American Affairs of 1922–23 was also convoked by a unique procedure. It was assumed in the early correspondence initiated by the United States that the five Central American states would constitute the full membership. Consequently, on October 21, 1922, our Government invited Guatemala, Nicaragua, Honduras, Salvador, and Costa Rica to send delegates, without suggesting that the United States would be officially represented.[33] Following the notes of acceptance on their part, a joint message was sent by the five states to the United States asking the latter to participate.[34] Incidents of this sort indicate that the process of convoking a conference is sufficiently flexible to take into account exceptional circumstances.

The place of the conference.—The country and city in which the conference shall meet has from time to time been the cause of controversy. Ideally, the location should be at once accessible, commodious, and conducive to calm and profitable discussions. A more consequential factor in practice than the specific merits of a place has been the influence of the state or states who are urging a conference. In view of the general custom of leaving many of the preliminary affairs to those who have advocated the meeting, it quite naturally follows that this self-constituted committee on arrangements suggests one of its own cities as the site of deliberations. The practice

[32] *The Locarno Conference,* World Peace Foundation Pamphlets, Vol. IX, No. 1, p. 50.

[33] *Conference on Central American Affairs, 1922–23,* p. 4.

[34] *Ibid.,* p. 12.

is justifiable only on the ground that the onus of providing quarters rests upon those who are responsible for the gathering. Unfortunately it may result in the choice of an unsuitable city. The Genoa Conference in 1922 was considered by Mr. Lloyd George to have been handicapped by the place of meeting, and it was adjourned with an understanding that future deliberations would occur at The Hague, a place "possessed of the necessary international atmosphere."[35]

London and Paris have always been conference cities for the obvious reason that England and France have been so often the forces behind international meetings.[36] During the latter part of the nineteenth century and the early part of the twentieth there was a noticeable tendency to use other cities, particularly those of small and comparatively disinterested powers, such as Brussels, The Hague, Berne, and Geneva. Berlin and Rome have never been so popular for conference purposes as one might suppose from their size and the importance of the states which they serve as capitals. Since the World War, Paris and London continue to maintain their leadership, but an ever increasing number of meetings have occurred in cities of lesser states.[37] In fact, conferees are becoming more and more taken with the idea of meeting in small

[35] Mills, J. Saxon, *op. cit.*, p. 227. It was stated in *The Round Table* (XII, 808), that the conference moved from Genoa to The Hague to "get away from the political alarums and excursions which marked each day at Genoa."

[36] During the nineteenth century important conferences met as follows: at London, 10; at Paris, 25; at Rome, 3; at Brussels, 12; at The Hague, 6; at Berlin, 5; at Berne, 7; at Geneva, 3.

[37] Since the World War important conferences have met as follows: at London, 9; at Paris, 7; at Brussels, 3; at Rome, 3; at The Hague, 1.

cities in neutral countries, away from the noise and distractions characteristic of the larger centers. The text of the invitation to the Locarno Conference stated: "The conference should take place in neutral territory, preferably in Switzerland, at a place which would be fixed later by agreement of the governments."[38]

Preliminary drafts and studies.—Among the arrangements that frequently precede the convening of a diplomatic gathering is the preparation of projects by a body of experts. This is especially necessary when the subject-matter is of a highly technical character. The Genoa Conference of 1922 was preceded by the formation of draft proposals through a committee of experts on each of the four main topics of the agenda.[39] Similarly, before the Locarno Conference of 1925 opened its meetings a body of jurists met at London to study the problems involved from a technical point of view, and to elaborate draft texts for further consideration by cabinets and delegates.[40] The Preparatory Commission for the Disarmament Conference set up by the League of Nations in 1925 has already met five times, twice in 1926, twice in 1927, and once in 1928, to prepare a draft convention for the forthcoming conference on this subject. The work of a deliberative body is much facilitated when data of this sort are available as a point of departure to later discussions and decisions.

Somewhat analogous are the preparations of the individual states which are expected to participate in the

[38] *The Locarno Conference,* World Peace Foundation Pamphlets, Vol. IX, No. 1, p. 50.

[39] Mills, J. Saxon, *op. cit.,* pp. 333–57.

[40] *The Locarno Conference,* World Peace Foundation Pamphlets, Vol. IX, No. 1, pp. 19–20.

meeting. The United States had prepared in advance of the Washington Conference the detailed plan for armament reduction which was submitted by Mr. Charles E. Hughes at the first plenary session.[41] It is particularly incumbent upon the state or states responsible for the conference to have a proposal to submit.

[41] *Conference on the Limitation of Armament, 1921–22,* pp. 42–93.

Chapter IV—PEACE-TIME CONFERENCES: ORGANIZATION AND PROCEDURE

The methods of a conference of nations must be at once fair, expeditious, and scientific, or the results may be untenable. The machinery and procedure of diplomatic assemblies vary widely as to degree of complexity in accordance with the number of participating states. While practice has become somewhat fixed in regard to the fundamentals of organization, there is a considerable diversity in the detailed arrangements that accompany specific gatherings.

The initiative in the organization of a conference.—Deliberative bodies are dependent upon some form of leadership. Both in national legislatures and in international conferences there must be an authority to direct the efforts of the group toward matters of greatest concern and to guide discussions along the lines of maximum profit. A gathering of diplomats is lacking in the executive leadership that goes with European parliamentary bodies and also in the party domination which is characteristic of all national legislatures. By the force of a long-established tradition it is assumed that the state or states responsible for the conference will take the initiative in providing adequate working methods and organization. Speaking in behalf of Italy at the opening session of the Genoa Conference of 1922, Signor Facta, Prime Minister of Italy, indicated the activities of his government in regard to the projected methods of procedure by the statement, "We have given the greatest care to the organization of the conference."[1]

An international conference is opened by a high official

[1] Mills, J. Saxon, *op. cit.*, p. 47.

of the nation on whose territory the gathering occurs, usually the Minister of Foreign Affairs. Even when the inviting state is not one of the group which have advocated the meeting the practice has consistently been for that state to supply a temporary chairman. The Minister of Foreign Affairs of the Netherlands was in the chair at the first plenary session of each of the Hague Conferences.[2] It is the duty of the official who calls the meeting to order to welcome the delegates.

The first item of business in a conference is the establishment of an effective organization. The selection of a permanent chairman is accomplished with as little delay as possible at the opening plenary session. From this point the business of creating an organization may follow either one of two courses. If the gathering is small in composition, it frequently happens that the conferees find that they may proceed without the use of a body of official rules. In that case decisions as to methods are made as problems develop, and almost invariably on the initiative of the chairman. The succession of events[3] at the first plenary session of the Washington Conference on the Limitation of Armament by which an organization was effected were as follows: opening of conference by Secretary of State Hughes; address of welcome by the President of the United States; announcement by Secretary of State Hughes that both English and French were official languages; election of a permanent chairman;

[2] *The Proceedings of the Hague Peace Conferences,* Conference of 1899 (New York, 1920), p. 13, and Conference of 1907, I, 45. Mr. de Beaufort opened the First Hague Conference, and Mr. J. Van Tets van Goudriaan presided at the first plenary session of the Second Hague Conference.

[3] *Washington Conference on the Limitation of Armament, 1921–22,* pp. 42–68.

announcement of a secretary-general by the chairman; announcement of the committees.

A more common method of organizing is through the adoption of a code of rules. As President Nelidow of the Second Hague Conference in 1907 pointed out, it is the most efficacious plan of procedure when the assembly includes a large number of delegates.[4] Small conferences have also made use of this system from time to time.[5] The rules of an international conference are complex neither in form nor in substance. Reference is made therein to such matters as the presidency, the committees, methods of publicity, submission of new proposals, records, official languages, secretariat, definition of a quorum, and credentials of delegates.[6] They are ordinarily comprehended within ten or twelve concise articles. The minor details which cannot be dealt with in such a list of rules are taken up in the course of conference proceedings as it becomes necessary.

It is possible to discern the influence either of the inviting power or of the states who are responsible for a conference in the compilation of the official rules. At the second plenary session of the First Hague Conference of 1899, presiding officer Staal submitted a brief plan of organization, which was adopted without discussion.[7] The rules of the Genoa Conference of 1922 were drafted by the Italian Government, in collaboration with the

[4] *Proceedings of the Hague Peace Conferences,* Conference of 1907, I, 52.

[5] *Conference on Central American Affairs, 1922–23,* pp. 112–18. Rules were adopted at this conference.

[6] See Appendix F.

[7] *Proceedings of the Hague Peace Conferences,* Conference of 1899, p. 20.

members of the Allied Supreme Council.[8] The Conference on Central American Affairs adopted in the committee of the whole a code of rules which was presented by Chairman Hughes after minor revisions had been made by an informal meeting of plenipotentiaries.[9] While a conference possesses the right of modifying a proposed scheme of organization, it rarely happens that serious changes are actually made. At the Second Hague Conference of 1907 one paragraph of Article 8 of the rules was rejected by the full conference.[10]

The president.—The presiding officer is chosen by the method of election. The process is, however, purely formal, for by universal practice long recognized as having the force of tradition, a high official of the inviting state is selected. A resolution for his election is usually presented by the principal plenipotentiary of the nation whose name comes first in the alphabetical (French) list of participants. Frequently by unanimous consent the balloting is omitted and the choice completed on nomination alone. Secretary of State Hughes was made president of the Washington Conference on the Limitation of Armament without the necessity of a vote, after his nomination by Lord Balfour. In proposing the name of the American Secretary of State, Lord Balfour said, "There is a well-understood rule, practiced, so far as I know, universally, that the nation which invites the conference should also provide it with its chairman[11] and presiding

[8] Mills, J. Saxon, *op. cit.*, p. 47.

[9] *Conference on Central American Affairs, 1922–23,* pp. 112–18.

[10] *Proceedings of the Hague Peace Conferences,* Conference of 1907, I, 54. The paragraph provided that "the delegation of one power may have itself represented by that of another."

[11] *Conference on the Limitation of Armament, 1921–22,* p. 50.

genius." Upon his selection as the president of the Paris Peace Conference, M. Clemenceau made the following remark:

> It is necessary, gentlemen, to point out that my election is due necessarily to the lofty international tradition, and to the time-honored courtesy shown toward the country which has the honor to welcome the peace conference at its capital.[12]

Exceptions to the custom of choosing as president the first delegate of the inviting state have been rare. The two Hague Conferences of 1899 and 1907 elected the first delegates of Russia on account of Russia's influence in the convocation of the meetings.[13] In both instances, however, some homage was paid to the practice of the past by the designation of the Ministers of Foreign Affairs from Holland as honorary presidents. The second Hague gathering in 1907 also gave the first delegate from Holland the title of "effective vice-president." Among war-time and post-war conferences an exception to the rule was provided in the procedure of the Allied Supreme Council, whose meetings occurred at convenient European cities and whose chairmen were chosen without regard to the place of the conference.[14]

On account of the fact that the first delegate of the inviting state is generally selected as presiding officer, it is desirable that he hold a high diplomatic rank in the

[12] "The Paris Peace Conference," *International Conciliation,* No. 139 (June 1919), p. 30.

[13] *The Proceedings of the Hague Peace Conferences,* Conference of 1899, p. 14, and Conference of 1907, I, 46. At the First Hague Conference, Mr. Staal stated after being selected as presiding officer: "I can only consider that I am chosen because I am the plenipotentiary of the Emperor, my master, the august initiator of the conference idea."

[14] "The Supreme War Council," *A League of Nations,* World Peace Foundation Pamphlets, Vol. I, No. 7, pp. 346–50.

service of his country and that he be able by virtue of his position and his personality to command marked respect. In most international conferences the chairman has been the foreign secretary of the inviting power, while the other delegates have been diplomats with the rank of ambassador or minister. Exceptions, however, have been numerous. A chancellor or prime minister has been known to act as presiding officer, notably at the Congress of Berlin of 1878 and the Genoa Conference of 1922. In some diplomatic gatherings the presidency has been held by persons having the rank of ambassador or minister. Mr. Hugh Gibson, minister of the United States to Switzerland, was the chairman of the Geneva Conference of 1927 on the Limitation of Armament.

The president of an international conference performs functions that are vitally related to the success of the deliberations. While he is not so powerful as the speaker of an American legislative body, his influence is fully as far-reaching as that of the presiding officer of the upper chamber in a national legislature. His speech at the first plenary session offers an occasion to give the conference its spirit and tone, and at the final session he has an opportunity to summarize and to suggest future lines of procedure. As the presiding officer at full sessions and also over some committees he is in a position to be able to direct perceptibly the course of discussions. While his decisions may be overruled by vote of the assembled delegates, it rarely happens that his rulings are called in question. The precise duties of the chairman are commonly described in the rules of the conference. Article IV of the rules of the Conference on Central American Affairs is typical.[15] It reads as follows:

[15] *Conference on Central American Affairs, 1922–23,* p. 112.

The functions of the chairman are:

1—To direct the sessions of the conference and to bring up for discussion in their turn the matters included in the orders of the day;

2—To give the floor to the delegates in the order in which they ask it;

3—To decide questions of order which arise in the discussions; provided, however, that if any delegate shall request it the decision shall be put to a vote of the conference;

4—To call for a vote and to announce to the conference the result of the vote.

In accordance with the usual practice the chairman of the Conference on Central American Affairs was also the chairman of the committee of the whole.

Sessions.—The business of a conference is conducted officially either in plenary sessions or in committee. The work of the former is comparatively insignificant, for the large matters of controversy may be given more time and debate in the more wieldy committee group. There must be at least two plenary meetings for the purpose of beginning and concluding the duties of the conference, and there may be as many more as the circumstances require. At the first general session it is customary to effect a permanent organization by selecting officers and establishing committees, whereas the final plenary session is given over to treaty-signing and speech-making. Where there are intermediate gatherings of all the delegates in regular session these are devoted to reports of committees and to voting on resolutions and recommendations. The modern international conference has few plenary sessions.[16] The comparative importance of the

[16] The Geneva Conference of 1864 had seven plenary sessions; the Brussels Conference of 1874 had five; the Genoa Conference of 1922 had three; the Conference on Central American Affairs had two; the Washington Conference of 1921–22 had seven.

committees and the full sessions at the Second Hague Conference of 1907 was indicated in the report of the American delegates to their government, in which it was stated that "the actual work of the conference was, therefore, done in commission and committee."[17]

Committees.—A conference without committees is a most unusual occurrence. The diplomatic gathering at Madrid in 1880 is unique in that its work was handled entirely in plenary session; there was not even a drafting committee, the preparation of conventions having been placed in charge of the secretaries.[18] The duties of a conference are ordinarily so complicated that it would be impossible to dispose of them satisfactorily without delegating to subsidiary bodies the more troublesome matters for investigation and discussion.

The committees of a typical international conference, like those of a national legislature, involve a variety of form and a consequent flexibility of mechanism. The bases of differentiation relate to composition, functions, tenure, and internal organization. They are alike in that all are dependent for their authority upon the general conference and are able only to recommend actions.

The more pretentious conferences in time of peace have frequently provided for a committee of the whole, whose membership is identical with that of the plenary gathering, but whose organization and procedure are more simple and better adapted to debate.[19] The Washington

[17] Scott, J. B., *The Hague Conferences,* II, 204.

[18] Satow, Sir E., *International Congresses and Conferences,* p. 144.

[19] A committee of the whole was used in the Algeciras Conference of 1906, the London Naval Conference of 1908–09, the Conference on Central American Affairs in 1922–23, and the Washington Conference of 1921–22.

Conference on the Limitation of Armament in 1921–22 had two committees of the whole.[20] One of them, the Committee on Program and Procedure with Regard to the Limitation of Armament, held only two meetings, in which the subcommittee on the limitation of armament was established and other matters of procedure were undertaken. The other, known as the Committee on Program and Procedure with Respect to Pacific and Far-Eastern Questions, met on two occasions also and performed similar duties. The Conference on Central American Affairs in 1922–23 organized a committee of the whole in accordance with the rules that were adopted, and used it throughout the period of deliberations as the main organ for the conduct of business.[21] Under the articles of procedure adopted by the main conference the committee of the whole was to operate within the following regulations:

1—The Committee of the whole shall consider subjects submitted by the delegations.

2—The Chairman and Secretary-General of the Conference shall also serve the committee of the whole.

3—The duties of the Chairman shall be the same in the committee of the whole as in the general conference.

4—The duties of the Secretary-General shall be the same in the committee of the whole as in the general conference.

5—The chairman's duties comprise that of fixing dates for meetings.

6—A quorum shall consist of one representative from each of the delegations.

7—Each delegation shall have one vote.

8—Publicity shall be insured through reports to the press by the Secretary-General in accordance with directions.

[20] *Conference on the Limitation of Armament, 1921–22,* p. 406.

[21] *Conference on Central American Affairs, 1922–23,* pp. 114–16.

A typical international conference includes in its organization a group of committees appointed to serve throughout the entire period of deliberations and to deal with an assigned portion of the agenda. Where a committee of the whole is utilized extensively, the subjects of the agenda may, instead, be divided among a group of subcommittees.[22] There is an element of thoroughness in a procedure that allows a separate discussion of the items of the program in subsidiary bodies responsible to the main conference.

A conference may establish as many of these agenda committees as it desires. There may be one committee for each of the main articles of the agenda, or a committee may handle a group of items. The Genoa Conference of 1922 maintained four committees that represented the four main subjects of the program: Russian problems; financial questions; economic issues; transport affairs.[23] The First Hague Conference of 1899 gave over to one committee the first four subjects of the agenda, to a second the next three items listed, and to a third the eighth question of the program.[24] The second Hague gathering of 1907 provided for four main committees among which the problems of the conference were divided.[25]

[22] There were four main subcommittees of the committee of the whole in the Conference on Central American Affairs. The first, known as subcommittee number one, dealt with eight subjects; subcommittee number two also dealt with eight subjects; in addition there were a subcommittee on the limitation of armament and a special subcommittee to revise the General Treaty of Peace and Amity of 1907.

[23] Mills, J. Saxon, *op. cit.*, p. 74.

[24] Satow, Sir E., *International Congresses and Conferences*, pp. 74–75.

[25] *Ibid.*, p. 76.

These main committees, or subcommittees as they are known when the conference is organized in committee of the whole, are ordinarily so formed as to give to each participating state some representation. The most common practice has been to allow one member for each state, but there have been numerous exceptions. While the committees of the Washington Conference on the Limitation of Armament appear to have been constructed on this basis, control was lodged in those nations that were most concerned by reason of the fact that the conference was divided into two sections, one dealing with Far Eastern problems and one with armament questions. The three committees of the First Hague Conference had, respectively, forty-six, sixty-seven, and fifty-nine members.[26] The Genoa Conference of 1922 openly favored the large states in the choice of committees by allotting two representatives to each of the seven "convening powers" and only one for each of the other participating states.[27] When experts are added to the list of regular delegates who are asked to take part, the total personnel of conference committees is often raised to two hundred or more.[28] Theoretically the doctrine of state equality is respected by the rule that, regardless of the number of representatives that a state may have on a committee, only one vote is allowed.

While there has been a tendency for a delegation to retain the same representative on a committee throughout the duration of the conference, there is no obligation to do so, and there have been, in fact, many alterations and

[26] *Ibid.*, pp. 74–75.

[27] Mills, J. Saxon, *op. cit.*, p. 74.

[28] The committees of the Genoa Conference included between two hundred and two hundred and fifty in their personnel.

substitutions. Article 6 of the rules of the Second Hague Conference of 1907 specifically stated that "members of the same delegation may replace each other on committees."[29] It rarely happens that a committee does not undergo some shift of personnel, either permanent or temporary, during its existence. There is much to be said in favor of the practice of permitting substitutions. The regular member is frequently incapacitated, and the vacancy should be filled to allow a continuation of committee sessions with a minimum of handicap. Or it is possible that for the business of a particular meeting another member of a state's delegation may have some unusual information or point of view that should be given a hearing.

The main committees are given a considerable amount of freedom in formulating their methods of procedure. The conference is interested primarily in the results of committee deliberations rather than in the processes that have been employed. While a committee is usually allowed to designate its own chairman, there have been instances where the presiding officer of the conference has chosen him. The honorary presidents, presidents, and vice-presidents of the commissions of the two Hague gatherings of 1899 and 1907 were selected by the chairmen of the plenary sessions.[30] The reports of committees are drafted by secretaries and, in continental practice, presented by *rapporteurs,* both of whom are selected by the group itself.

Subcommittees.—Almost without exception great reliance is placed upon subcommittees in the procedure of a

[29] Scott, J. B., *The Hague Conferences,* I, 120.

[30] *The Proceedings of the Hague Peace Conferences,* Conference of 1899, p. 21, and Conference of 1907, I, 56.

main committee. They provide an opportunity for a larger degree of informality in the treatment of affairs that entail facts and data. Frequently these subcommittees extend the process of delegating functions to a smaller or more select body by establishing in turn their own committees.[31]

A great deal of flexibility has developed in the membership, structure, and usefulness of subcommittees. The organization of the Washington Conference on the Limitation of Armament in 1921–22 involved an unusually large number of subordinate committees. Of the two main committees, one on Far Eastern Affairs and the other on the Limitation of Armament, the former provided for seven subsidiary bodies, while the latter established six subordinate groups.[32] The main committees of the Genoa Conference of 1922 employed from one to three subcommittees.

The personnel of subcommittees may comprise plenipotentiaries or experts or both. There has been a greater tendency to ignore the doctrine of state equality in the composition of subcommittees than in the structure of the main committees of a conference. The French proposal at the first Hague gathering of 1899 that all states be

[31] For instance, the second committee of the First Hague Conference of 1899 established a subcommittee to deal with the extension of the provisions of the Geneva convention to maritime warfare. It, in turn, set up a committee of experts. See Holls, F. W., *The Peace Conference at The Hague,* p. 82.

[32] The Committee on Far Eastern Affairs organized subordinate committees to deal with the following: Chinese revenue; Chinese Eastern Railway; Chinese Eastern Railway (technical advisers); Chinese Post Office; procedure; drafting; extraterritoriality. The Committee on Limitation of Armament employed subordinate committees on the following subjects: aircraft; poisonous gases; conduct of war; naval limitation; standard naval ton; drafting.

accorded representation on all subcommittees was defeated by a vote of seventeen to two; several states failed to register a vote.[33] At the Washington Conference on the Limitation of Armament in 1921–22 several subordinate committees of subcommittees included plenipotentiaries of nine states, while one had only those of five.[34] Subcommittees of experts quite frequently are formed, without regard to the representation of participating states.[35]

The machinery of an international conference commonly requires additional committees to deal with certain matters of routine. The credentials of plenipotentiaries are turned over to a committee by the secretary-general for verification. The business of drafting proposed treaties and other acts is placed either under the control of a committee of the general conference or in charge of subcommittees.

The secretariat and other officers.—There are many matters of routine within the procedure of conferences that would absorb the time of plenipotentiaries unduly, were it not for the general practice of providing the group with officers who are expected to give full time to the duties assigned. The secretary-general is foremost in the list. Every diplomatic gathering that assumes any considerable proportions establishes such an office in addition to the national secretariats which each participating state maintains. The chief work of the secretary-general and

[33] Holls, F. W., *The Peace Conference at The Hague,* p. 82.

[34] *Conference on Limitation of Armament, 1921–22,* pp. 940, 966, 1276, 1382.

[35] For instance, some of the subcommittees of the First Hague Conference had six members; see Holls, F. W., *The Peace Conference at The Hague,* p. 121.

his staff is to prepare the official records of the sessions, but other functions frequently are delegated to them, such as receiving communications to the conference from outsiders and giving periodic reports to the press of the progress that has been made. The nature of the secretariat will be more apparent from the following description of the organization, as provided in the rules of the Genoa Conference:

> The Secretariat will be directed by an Italian Secretary-General, assisted by the chiefs of the secretariats of the delegations of the powers convening the conference. The secretariat is placed under the control and authority of the President.
>
> The secretaries designated by the delegations to follow the work of the conference and to collaborate in drafting the minutes will also be attached to the secretariat.
>
> The secretariat is especially intrusted with the duty of receiving communications and translating the documents, reports, and resolutions bearing on the labors of the conference, translating the speeches delivered during the meetings, drafting and communicating the minutes of the meetings, and, generally, of performing any tasks which the conference may see fit to assign to it. Members of the conference will always have access to the records.[36]

The personnel of a secretariat is largely under the control of the inviting state, exercised through the chairman of the conference. It is customary, however, before the actual appointments are made, to consult informally with the heads of the respective delegations to obtain their consent. If the process of election is applied in the selection of members of the staff of the secretariat, it generally resolves itself into a purely formal procedure in which the nominations made by the presiding officer are given an official stamp of approval. The following ex-

[36] Mills, J. Saxon, *op. cit.*, p. 79; see Article 7 of Rules.

tract from the proceedings of the Washington Conference of 1921–22 indicates both the formal and the practical aspects of the choice of a secretary-general at that meeting:

> The Chairman (speaking in English): I suggest that the conference now proceed to the election of a Secretary-General, and I propose for the purpose, the Honorable John W. Garrett. (After a pause): I understand that the selection of Mr. Garrett as Secretary-General is agreed to by the delegates.[37]

The man who is appointed to act as secretary-general is ordinarily a person holding an official position in the government of the inviting state. Often he is a member of the diplomatic or foreign service staff.[38] In regard to the other secretaries the practice varies. At the Washington Conference of 1921–22 all of the six secretaries were Americans chosen either from the Department of State or from an embassy of the United States abroad.[39] On the contrary, at the two Hague Conferences of 1899 and 1907 secretaries were selected from a considerable number of participating states.[40]

In the personnel of the secretariat it has been the custom in the past to include at least one French official

[37] *Conference on the Limitation of Armament, 1921–22,* p. 66.

[38] The following are mentioned as illustrations: At the Conference at London in 1867, the Secretary-General was the secretary of the British Embassy at Paris; at the Conference at London in 1871, the British Minister at Buenos Aires; at the Congress of Berlin in 1878, the German Minister to Greece; at the Algeciras Conference in 1906, the chief private secretary of the Spanish Ministry for Foreign Affairs; at the Genoa Conference of 1922, the head of the Italian Commission Department.

[39] *Conference on the Limitation of Armament, 1921–22,* p. 40.

[40] *Proceedings of the Hague Peace Conferences,* Conference of 1899, p. 16, and Conference of 1907, I, 49–50.

in order to insure accuracy in the records and acts of the conference which appear in that language. With the increased use of English in diplomacy, and with the tendency toward more localized conferences in which French is not used, the problem of providing language experts has shifted. While the Conference on Central American Affairs in 1922–23 made no provision for any French official in the office of the secretary-general, it allowed representation to both the English and Spanish languages.[41]

In addition to the regular secretarial force there are certain other conference officials to deal with routine matters. Interpreters and translators may be provided for the organization of the conference as well as for the separate delegations. Press reporters are often employed to maintain contact with the public, but the office operates under the close scrutiny of the conference. In some cases (in the Washington Conference on the Limitation of Armament, for example) a disbursing officer is appointed to handle the finances. Finally, the *rapporteurs* of committees and subcommittees should not be overlooked, though technically they belong rather to the machinery of committees than to that of the general conference. They bear a close resemblance to the *rapporteurs* of Continental legislatures in their function of submitting to the main body the findings and recommendations of the committee which they have been chosen to represent. The far-reaching nature of their influence in sponsoring and defending projects is quite evident.

Records and documents.—The commendable practice of making records of the proceedings has developed in

[41] *Conference on Central American Affairs, 1922–23,* pp. 16–17.

international conferences. This function should be exercised with the greatest care, in view of the fact that the statements made by delegates may involve their governments. These records are designated either "protocols" or *procès-verbaux,* the latter term being preferable on account of the several meanings that are given to the former in other connections. The *procès-verbaux* are more frequently kept for plenary sessions than for the meetings of committees and subcommittees, though in post-war conferences the minutes of the main committees have also been carefully preserved.

The contents of the *procès-verbaux* of conferences vary somewhat. They may present a verbatim account of proceedings or they may give merely a summary of what were considered to be the chief matters of interest.[42] Ordinarily they are found to contain the opinions of members upon subjects that have been discussed, a statement of conclusions that have been reached, and copies of proposals and documents that have been brought before the gathering.

The first business of every session is to approve the minutes of the preceding meeting. There are two different ways in which this may be accomplished. The original method was to have the records of the last session read and formally approved by vote.[43] For the sake of simplifying procedure, later conferences adopted the device of printing and circulating copies of the minutes. At the

[42] Usually the proceedings are summaries that contain verbatim accounts of important speeches and debates.

[43] Several conferences of the latter part of the nineteenth century followed this procedure, such as the Congress of Paris in 1856 and the two conferences at London in 1867 and 1871. See Satow, Sir E., *International Congresses and Conferences,* pp. 78–79.

Congress of Berlin in 1878 this plan was followed with the provision that if any member had asked to have a change made the secretariat would read it out at the beginning of the meeting, and if any member desired to have the entire "protocol" read, his request would be respected.[44] Conferences since the World War have commonly permitted this manner of expeditiously disposing of an item of business that might otherwise consume an unwarranted amount of time. At the second plenary session of the Washington Conference on the Limitation of Armament, Chairman Hughes stated that records of the first meeting had been "distributed to the delegates and such corrections as were found to be necessary have been given to the secretary-general. Unless there is some express request to the contrary we shall assume that the record of the proceedings is satisfactory to all."[45]

The *procès-verbaux* of each session are usually signed by the first plenipotentiary of each of the participating states. Occasionally, where the conference is large, time has been saved by authorizing the president and secretaries to sign.

The ultimate results of conference deliberations may be cast into various forms according to their substance and purposes. If it has been impossible to come to an agreement on main subjects of discussion the minutes, as signed by the plenipotentiaries, are allowed to stand as memoranda. Generally, however, the controversial issues are settled and some form of contractual relationship is established. In such instances one treaty covering all of the points of agreement is the most simple method of

[44] *Ibid.*, p. 79.

[45] *Conference on the Limitation of Armament, 1921–22,* p. 74.

terminating a conference. But rarely does it happen that the results of a diplomatic gathering can be so easily disposed of; the problems are usually complicated and consequently the decisions must be handled with consummate care and precision.

The practice followed regularly by conferences is to compile the different agreements and acts into one complete document that is known as the *Acte final, Acte général,* or *Protocole final.*[46] Therein is contained a summary of the work which has been achieved and to it is appended each of the separate acts. The final act of the First Hague Conference of 1899 included three conventions, three declarations, one resolution, and six *vœux* or wishes.[47] The Algeciras Conference of 1906 adopted an *Acte général,* in which were comprehended three declarations, two *réglements,* and one act.[48] The Portorose Conference of 1921 negotiated a *Protocole final* that referred to two protocols, three arrangements, eight recommendations, and four agreements.[49] As a result of the Conference on Central American Affairs in 1922–23 there was concluded an *Acte final* that involved one general treaty of peace and amity, eleven conventions, two protocols, and one declaration.[50] Still different were the contents of the Final Act of the Washington Conference on the

[46] Satow, Sir E., *Congresses and Conferences,* p. 20. The First Hague Conference debated the issue of calling the final document the *Acte protocol,* or *Procès-verbal final.* The phrase *Acte final* was eventually preferred.

[47] Scott, J. B., *The Hague Conferences,* II, 63–79.

[48] Satow, Sir E., *Congresses and Conferences,* pp. 94–96.

[49] For *Protocole final* of Portorose Conference, see *International Conciliation,* No. 176, pp. 25–30.

[50] *Conference on Central American Affairs, 1922–23,* p. 284.

Limitation of Armament with its group of six treaties, one declaration, and thirteen resolutions.[51]

The Sixth Pan-American Conference in 1928 produced eight conventions, three agreements, and sixty resolutions.[52]

The distinctions between the various forms that may be given to the accomplishments of a conference are not always stereotyped. In fact, so different are the meanings that are attached to the terms used that a degree of confusion often arises as to their precise connotations. Treaties and conventions are similar in form and in the nature of the subject-matter; according to García de la Vega they differ in the respect that the former are operative for a limited time, while the latter have an indefinite application.[53] A declaration is characterized by Oppenheim as "the title of a body of stipulations of a treaty according to which the parties engage themselves to pursue in the future a certain line of conduct."[54] Agreements or arrangements are usually more informal than other compacts, and often do not require the ratification of a legislative body. The term protocol is used not only for the minutes of conference sessions but also, as defined by Sir E. Satow, to describe "a somewhat informal record of an agreement between the High Contracting Parties."[55] The meaning of a resolution was well described by the chairman of the Washington Conference on the Limitation of Armament in these words:

> It will be observed that certain of the resolutions adopted by the committee, and on its recommendation adopted by the con-

[51] *Conference on the Limitation of Armament, 1921–22,* p. 157.

[52] *Bulletin of the Pan-American Union,* Vol. LXII, No. 4, p. 344.

[53] Satow, Sir E., *Diplomatic Practice,* II, 174.

[54] Oppenheim, *International Law,* second edition, §§ 487, 508.

[55] Satow, Sir E., *Diplomatic Practice,* II, 236.

ference, are put in a treaty form, and other resolutions are not put in that form. The distinction is that those engagements which it is deemed require the sanction of a treaty are put in the form of a treaty and proposed for execution by the Powers. In other cases, the resolutions are of a character not requiring such sanction and are deemed to be binding upon the Powers according to their tenor when adopted by the conference.[56]

A *vœu* is a mere opinion or wish which the conference desires to express. It frequently happens that, whereas it is impossible for the participants of a conference to agree to so binding a compact as a treaty, there is a willingness to conclude a resolution or to draft a *vœu.*

The records and acts of a conference are given an official status by the signatures of the plenipotentiaries. The minutes of the sessions are signed after they have been approved, but the agreements, resolutions, and final act are generally treated at the last plenary session. The order in which the delegates of participating powers are permitted to affix their names to a document is usually regulated by the rule of the *alternat* and the alphabet. In accordance with these devices, each state retains a copy, either original or certified, in which the names of its own representatives are listed first; thereafter are placed the signatures of the plenipotentiaries of the other nations in the alphabetical order of their names as spelled in the French language. There are, however, exceptions to the use of this process. A conference is free to adopt any rule of precedence. The Conference on Central American Affairs in 1922–23 determined the order by lot, with the result that documents were signed in the following order: Guatemala, Salvador, Honduras, Nicaragua, Costa Rica.[57]

[56] *Conference on the Limitation of Armament, 1921–22,* p. 286.

[57] *Conference on Central American Affairs, 1922–23.* See "Rules of Conference," p. 112.

An innovation has been wrought recently in the manner by which the acts of a conference may be officially stamped. Hitherto, by the constitutional practice of states, the executive negotiated and signed treaties and ratified them in many instances only with legislative advice and consent. The result was that friction or paralysis frequently developed in the conduct of foreign relations. The President of the United States originated a departure from the accepted procedure when, on February 24, 1923, he requested the Senate to give its advice and consent to adhesion to the protocol of the Permanent Court of International Justice, without at the same time presenting to that body any executive act for confirmation. This placed upon the Senate the responsibility before the public for its own action.

An adaptation of this scheme was used at the London Conference on Reparations in 1924, where the delegates signed the final act on August 16 with a provision that formal signatures to the separate documents should be appended on August 30. During the two weeks that intervened they were presented to the parliaments concerned for approval.

Very similar in purpose, though a little different in procedure, was the treatment given to the Locarno treaties.[58] Only the final act, in which no engagements were taken, was signed at the conference on October 16, 1925; the nine documents that comprised the important agreements were merely initialed. Later, on December 1, 1925, signatures were affixed. During the interval of more than six weeks the projected treaties were in the possession of the respective legislative bodies.

[58] *The Locarno Conference,* World Peace Foundation Pamphlets, Vol. IX, No. 1, pp. 30–32.

Argument is not lacking in support of the process employed at Locarno. The constitutional methods of nations in regard to treaty-making differ, with the result that the executive branch is frequently placed in an embarrassing position or, what is worse, the fate of the proposed treaty is uncertain. The initialing procedure relieves the executive from a responsibility which it has often carried unjustly.

Conclusions.—The organization and procedure of a conference are characterized by several major facts. Pervading all is the influence of the nation or nations who are responsible for the meeting. From the foregoing discussion it appears that their activities may embrace the supervision of preliminary arrangements and the furnishing of tentative rules of organization and of officers for the conference, while in some cases they have assumed the initiative by directing the deliberations along the line of specific projects which they have devised.[59]

This element of leadership which is provided by one or a few states is, from a certain point of view, unfortunate. It places a limited group of participants in a more favorable position than the others enjoy, with the result that the former may be more successful in attaining their ends than the latter. An alternative to the present practice is not, however, easy to find. The choice of its own leaders in a manner similar to that used by parliamentary bodies is not a practical suggestion in a gathering that is of a transitory character. Leadership from without the halls of the conference by a neutral authority will be colorless and unenthusiastic. Furthermore, there is some-

[59] *Conference on the Limitation of Armament, 1921–22*, pp. 50–67. Chairman Hughes's detailed scheme for the limitation of armament, presented at the first plenary session, is given.

thing of a positive nature to be said for the scheme of placing the initiative in the efficient conduct of business in the control of the state or states who sponsored the conference. Presumably they are the parties most interested in the success of the meeting and consequently are willing to exert themselves in its behalf. In addition, as the original protagonists of the conference idea they may have a clearer concept of the purposes to be pursued and a better grasp of the details of information than is possessed by the other members.

In the second place, it is apparent that in spite of general agreement upon many aspects of conference methods, there is a lack of uniformity in practice in regard to a considerable number of issues. The composition of committees, the alteration of the agenda, the language of diplomacy, the approval of *procès-verbaux,* and rules of precedence among members are matters in regard to which diplomatic gatherings differ noticeably. While, on the one hand, such diversity makes for flexibility and adaptation, on the other, it is a source of delay and frequent controversy.

The committee of jurists under the League of Nations, which has been working on the progressive codification of international law has seen fit to direct attention to the methods of conferences with a view to the ultimate creation of a code of conference procedure.[60] At the second session of the committee, on January 29, 1926, a special subcommittee was appointed "to examine the possibility of formulating rules to be recommended for the procedure of international conferences and the conclusion and draft-

[60] "Records of the Fifth Assembly," *Official Journal of the League of Nations,* Special Supplement, No. 23, p. 125. An account of the origin of the committee is given.

ing of treaties and what such rules should be."[61] The committee has not intended to formulate a rigid body of rules which would admit no element of adaptability. They aspire only "to place at the disposal of the states concerned rules which could be modified in each concrete case but whose existence might save discussion, doubt, and delay."[62] At the forty-fifth session of the Council in July 1927, the committee of jurists made the following report, which indicates the lines of their efforts and their achievements to date:[63]

> The committee does not propose that an obligatory body of rules be drawn up and, indeed, it is difficult to see how it can be possible or desirable to limit in advance the method in which conferences conduct their business or to deal in a convention with methods of concluding and drafting treaties.
>
> The committee proposes that the subject should be referred to a small committee of experts and that, if the appointment of a special committee should appear to involve too much expense, the committee might be composed of officials of the secretariat. The results of a study by a body of experts might, it is suggested, be of assistance in the conduct of conferences and the negotiation of treaties.

It is evident from the foregoing report that the chief problem of the committee is to find a solution which will admit an adequate degree of flexibility and, at the same time, secure a measure of uniformity.

[61] Hudson, M. O., "The Progressive Codification of International Law," *American Journal of International Law,* XX, 665–67.

[62] *Idem.*

[63] "The Minutes of the Forty-fifth Session of the Council," *Official Journal of the League of Nations,* Eighth Year. No. 7 (July 1927).

Chapter V—PEACE CONFERENCES

Conferences to provide for the termination of war and the settlement of its issues have been known as peace conferences, even though they assemble and operate over an interval of time that international law regards as belonging to the period of the war. They are called by a name which is derived from their aims rather than the date of their activities. They are, by their nature, as old as warfare, and their continued utility and necessity is assured so long as nations resort to force for the vindication of what they deem to be their rights.

Preliminaries.—The cessation of hostilities which must precede the drafting of a treaty of peace is accomplished through an agreement called an armistice. The following provision is made by one of the Hague conventions:

> An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.[1]

It is customary to stipulate in the terms of the agreement the precise time at which it is to come into operation and when it shall terminate.

It has been a matter of controversy in international law as to what activities are prohibited to belligerents during the period of time in which an armistice is in operation. One school of writers, led by Grotius, maintains that activities in the way of preparations for hos-

[1] *The Hague Conventions and Declarations of 1899 and 1907.* Scott, J. B., editor, p. 121. Conventions II of 1899 and IV of 1907 Art. 36.

tilities not mentioned by the agreement may be continued.[2] Another group of authorities, headed by Vattel, assert as a further limitation that no act may be committed which would have been impossible had there been no armistice.[3] The United States Rules of Land Warfare follow, in the main, the latter point of view.[4]

Prior to the opening of a peace conference it is the common practice for belligerents to arrive at an understanding as to the bases of the settlement that shall be made. Experience has demonstrated conclusively that a successful peace conference is dependent upon a measure of definiteness in the preliminary agreement. In some instances the preliminaries of peace have been agreed upon at the same time that the armistice has been formed.[5] It is intended that the preliminary arrangements shall cover the general principles upon which the treaty of peace will be based.

The negotiations which preceded the Paris Conference of 1919 began on October 4, 1918, when Germany dispatched a note to President Wilson through the Swiss Government, requesting him to call a conference and accepting the program of the American chief executive as the foundation of the settlement.[6] After alterations in

[2] Grotius, *De jure belli ac pacis,* Book III, chapter 21, paragraph 7.

[3] Vattel, *Droit des gens,* Book III, paragraph 245.

[4] *Rules of Land Warfare* (War Department, Washington, 1917), No. 261.

[5] Prior to the treaties of Prague (1866) and San Stefano (1878) both preliminaries and armistices were signed on the same day. See Satow, Sir E., *Congresses and Conferences,* p. 12. The signature of the armistice preceded the preliminaries in regard to the treaties of Zurich (1859) and Frankfort (1871). The reverse was true in connection with the Treaty of Paris (1856).

[6] Latané, J. H., *American Foreign Policy,* pp. 610–11.

the German Government had been demanded and granted, an armistice was arranged and signed on November 11, 1918. The main principles underlying the peace treaty were contained within the terms of the armistice. Germany was required to evacuate Belgium, France, Alsace-Lorraine, and Luxemburg immediately; to withdraw her armies from the left bank of the Rhine, from Russia, Austria-Hungary, Roumania, and Turkey; and to surrender a stated portion of her implements and munitions of war.[7]

The question has been raised as to whether the terms of the final treaty of peace must conform to those of the preliminary agreement. The attitude of Germany has been that the terms of the Treaty of Versailles were not consistent with the negotiations that preceded the conference of peace.[8] When a belligerent has voluntarily placed itself in such a position that a resumption of hostilities is difficult, there would seem to be full justification for such a complaint.

Among the activities that may occur before the opening of a peace conference is the formation of an understanding among an allied group of states in regard to matters that might divide them. Unity in the assertion of an attitude is the only alternative to a weakness which the enemy may use advantageously. The negotiations of the Paris Conference of 1919 were concerned almost entirely with the eradication of differences of opinion among the Powers who had been engaged in war against Germany. Similarly, at the Congress of Vienna in 1814–15 states who had been allied against France de-

[7] Temperley, H. W. V., *A History of the Paris Peace Conference*, I, 458–77. The text of the armistice is given.

[8] Fenwick, C. G., *International Law*, p. 576.

voted much effort to a solution of the problems that had arisen from their conflicting interests. Incidentally, Talleyrand took advantage of these dissensions to the ultimate profit of France.

The organization and methods of peace conferences.—The peace conferences of the past have differed from each other in several major respects. Some have been simple and unostentatious, while others have been pompous affairs. Peace conferences that have been composed of only a small number of participating states have tended to be less pretentious than those in which membership was more general. Some conferences have occurred after an inconclusive contest of forces and have been subject to compromise, while others have been dominated by an aggressive victor.

The formal organization of a typical peace conference does not vary to a marked degree from that of a gathering in time of peace. Both are assemblies of diplomats delegated to make agreements affecting specified subjects of international concern. As such, it has been found convenient in both instances to set up officers and machinery to aid in the conduct of business. Before the dissolution of the Holy Roman Empire in 1805 the presiding officer was the representative of the Emperor.[9] In more recent congresses one of two practices has been followed. Where the hostilities have been brought to an end through the efforts of a mediatory state, the plenipotentiary of that power is frequently made chairman. As a result of American mediation in the revolutionary war in Nicaragua in 1893 the American minister to that state was made president of the peace commission that was established.[10] In

[9] Satow, Sir E., *Diplomatic Practice,* II, 2.

[10] Moore, J. B., *Digest of International Law,* VII, 16.

cases where a war is terminated without the activities of a mediator or in the event that the mediating state is not present as an official participant, it is customary to choose as presiding officer the foreign secretary or prime minister of the country in which the conference is held.

The organization of a peace conference may involve a secretariat and a committee system, both of which are identical in their formal aspects with those of peace-time gatherings. In small assemblies it has frequently been possible to conduct negotiations without recourse to committee procedure. The Conference at London in 1912–13 and that at Bucharest in 1913 operated with the use of only one committee in each case.[11] On the contrary, conferences including many nations have provided for complex systems of committees and subcommittees by whom the main problems have been handled in the first instance. Rules of procedure have also varied according to the size of gatherings.

Defects of peace conference organization and methods.—In spite of the similarity of peace conferences and conferences in time of peace in the matter of external organization, there are certain far-reaching differences which may not be apparent without closer scrutiny. In the main, the methods of the former are inferior to those of the latter. Large and pretentious peace conferences have been particularly open to criticism. The motive that is usually present to cause these defective methods is the desire of the state or states whose military position is most favorable to dominate the meeting, even at the expense of justice. There are several devices that may be utilized to concentrate authority in the hands of the most powerful group.

[11] Satow, Sir E., *Congresses and Conferences,* pp. 77–78.

An obvious method by which the strength of the victor may be augmented is through a provision which allows a larger representation to some states than to others. In some instances the vanquished group is numerically smaller, and therefore it is not necessary to curtail the number of its delegates in order to place it in the minority. At the Congress of Vienna, France was alone against seven other European powers, and in consequence her representation was much smaller.[12] Similarly, the delegates from Turkey at the Paris Congress in 1856 were a small fraction of the whole.[13] On other occasions carefully devised schemes have been invented with the purpose of limiting either the delegations of defeated states or those of small powers who have been allied to the victor. The Paris Conference of 1919 afforded a striking illustration of a regulated system of participation that was advantageous to the few.[14] In the first place, enemy states were not allowed to be present during the negotiations. They were admitted only a short time before the signing of the treaty and then were allowed to suggest alterations only in writing. Furthermore, those states that were permitted to take part in the process of making the treaty of peace were classified, with the result that the five "Belligerent Powers with general interests" were each to have five plenipotentiaries, three states were allotted three delegates each, eight were permitted two each, and each of the remaining participants was accorded one spokesman.[15]

[12] *Congress of Vienna,* Peace Handbook, No. 153, pp. 5–7.

[13] Gourdon, M. E., *Histoire du Congrès de Paris, 1856,* pp. 5–8.

[14] *International Conciliation,* No. 139 (June 1919), pp. 13–18.

[15] *Idem.*

There is no implication that this idea of regulating the composition of peace conferences with apparent disregard for the doctrine of state equality is unknown to gatherings that occur in time of peace. On the contrary, some of the most commendable of the latter, such as the Washington Conference on the Limitation of Armament in 1921–22, have operated with a very similar basis of composition. There is a difference, however, which makes the practice less offensive in the case of peace-time conclaves. A nation may reject an invitation to be a part of a conference in time of peace if it seems that any limitation that has been fixed for its delegation is unjust; but, if a state has been a party to a war, refusal to join in the peace settlement on such a ground would be suicidal. There is, to be sure, much more at stake than a mere insult when gross inequality of representation is imposed; it means a weaker presentation of a certain point of view and a smaller available personnel to serve on committees and perform other conference tasks. When the parties to a war are but two, and no neutrals are brought into the conference, equal representation is the rule.

Another scheme that is calculated to fortify the position of the superior few at a peace conference that embraces a large membership looks toward the control of committees. When it is recalled that many of the most momentous decisions are made in these subordinate bodies, the effect of such an arrangement is clear. There is a maxim that "all great political problems are at bottom problems of procedure," from which it follows that those who control the methods of procedure are further able to dominate in the settlement of controversial issues. While the enemy state, France, was allowed representation on some of the committees of the Congress of Vienna, the

allies were always in control of them.[16] Most effective as a means of keeping decisions of that body in the hands of the few large powers was the unofficial division of the conference members into several groups, known as "the committee of four," "the committee of five," and "the committee of eight," and the maintenance by each of jurisdiction over matters primarily affecting it. The "committee of four" was composed of Great Britain, Russia, Prussia, and Austria, and was most powerful in fixing the final terms of the treaty. Article 1 of the rules of the Paris Peace Conference of 1919 indicates its method of keeping the organization in the hands of the five principal Allied and Associated Powers.[17] It defined that group of five as the "Belligerent Powers with general interests" and provided that they should take part in all sittings and commissions. Nineteen "Belligerent Powers with particular interests" were placed in a second category and accorded the right of taking part in sittings where questions affecting them were to be discussed. A third group of four "Powers in a state of diplomatic rupture with the enemy" were similarly permitted to be present when affairs concerning them were in process of settlement. The last group comprised "Neutral Powers and States in the process of formation," who might be heard either orally or in writing when summoned. The most effective medium for the concentration of authority was not established by the official rules. It was provided at first by the numerous meetings of the representatives of the five states, but later four states, and during the absence of the Italian plenipotentiary only three, participated. So long as the foreign secretaries met with the four prime ministers

[16] *Congress of Vienna,* Peace Handbook, No. 153, pp. 71–80.

[17] *International Conciliation,* No. 139 (June 1919), pp. 13–18.

and the American President this important body contained ten members. Later, with the foreign secretaries excluded, there were only five men left to compose the most powerful organ of the conference. After Japan dropped out, the negotiations were carried on by President Wilson and Prime Ministers Lloyd George, Clemenceau, and Orlando. For an interval of several weeks M. Orlando was in Italy and the "Big Four" managed without him.

Not only may the decision-making branches of a peace conference be kept under the management of the few, but, with the object of taking every possible advantage, control of the other organs may be seized by the dominant group. The rules of the Lausanne Conference provided that the chairmanship should rotate among the first delegates of France, Italy, and Great Britain, who were the three powers that organized the gathering.[18] Turkish objection to the arrangement was of no avail. The chairman at Vienna was Metternich, the Austrian Prime Minister; at the Paris Congress in 1856, Walewski, the French Foreign Minister, was the presiding officer; the office was filled by rotation among the first delegates at the London Conference of 1912–13; the first delegate of Roumania presided at the Bucharest gathering in 1913.[19] Similarly, the secretariat of a peace conference is generally kept within the supervision of the dominant powers. Article 7 of the rules of the Paris Conference of 1919 established a secretariat that was composed of representatives from the United States, Great Britain, France, Italy, and Japan.[20] At the Congress of Vienna in 1814–15, the Congress of Paris in 1856, the Conference at Bucharest

[18] *Documents Diplomatiques, Conférence de Lausanne,* pp. 6, 7, 8.

[19] Satow, Sir E., *Congresses and Conferences,* pp. 62–64.

[20] *International Conciliation,* No. 139, pp. 13–18.

in 1913, and many like gatherings, the secretary-general has been named by the presiding officer, who was presumably the first delegate of a leading power.[21] The secretariat at the London Conference of 1912–13 was constituted on an unusual basis that allowed each participating state, including defeated Turkey, to nominate one person.[22]

On account of this serious defect of organization to which peace conferences are particularly liable it follows that they are not primarily instrumentalities of justice, but rather the means whereby a few ambitious states may obtain a general recognition of their aims. The machinery fails to obtain an accurate and unprejudiced presentation of facts and does not afford reasonable guaranties that the lines of conduct that are decided upon shall be equitable.

The peace conference is further open to criticism because of its tendency to "generalize" beyond the logical extent of its composition and jurisdiction.[23] Since the Congress at Westphalia in 1648 the conferences that have concluded the great wars have included among their participants states which had been neutral, and they have dealt with issues more or less extraneous to the causes of the war. The effort has been to bring before one enlarged group diverse matters that should occupy the attention of different organizations. There could be no objection to the mere employment of neutral advice in the settlement of war issues if that were the sole aim of a larger membership. The purposes have, however, been

[21] Satow, Sir E., *Congresses and Conferences,* pp. 64–66.

[22] *Idem.*

[23] See Potter, P. B., *Introduction to International Organization,* pp. 338–41.

less commendable. In some instances the neutral states have been incorporated at their own demand on the ground that the problems to be solved affected them, and with the frequent result that they have dominated the conference. At the suggestion of Germany the powers which were party to the Treaty of Peace of 1856 were convoked at Berlin in 1878 to discuss the terms of the Treaty of San Stefano. Germany, Austria-Hungary, France, Great Britain, and Italy, in addition to Russia and Turkey, the two belligerent nations, assumed the right to revise the treaty which had terminated the war.[24] The Conference at London in 1912–13 for the purpose of drafting a treaty to terminate the first Balkan War contained only the delegates of belligerent nations, but it was held on British soil, where one of the large European states could keep a zealous eye on the proceedings. As interested neutral parties Prussia and Sardinia were allowed to send delegates to the Congress of Paris in 1856, though in that case it can scarcely be said that they dominated proceedings.[25]

The tendency of peace conferences to generalize their functions has often been in evidence when there has been no simultaneous extension of membership. The Congress of Vienna of 1814–15, not content to complete the peace settlement, which had already been partly disposed of by the Treaty of Paris of 1814, busied itself with the slave trade, the free navigation of rivers, and the ranks of diplomatic agents. The Congress of Paris of 1856 to deal with the issues that had been raised by the Crimean War invaded the field of maritime law by formulating a declaration relative to the blockade, privateering, and the

[24] Satow, Sir E., *Congresses and Conferences,* pp. 56–57.

[25] *Ibid.,* p. 55.

status of private property at sea in time of war. The Paris Conference of 1919, besides endeavoring to remove a vast accumulation of political impediments in the relations of nations, also attempted to establish a League of Nations and an International Labor Organization, and to determine responsibility for the war. The results of these digressions into foreign fields by international bodies whose primary function is fixed within comparatively narrow limits are not reassuring. Instead of raising the standard of the peace conference to that of a conference in time of peace, it more frequently follows that peace-time matters are muddled. The intemperate atmosphere of a diplomatic gathering produced by the controversial issues that have precipitated the war is not a fit place to deliberate on more or less irrelevant matters that are in need of scientific and impartial treatment.

The Congress of Vienna.—While it is impossible to give an account of any considerable number of the many peace conferences that have figured in the history of modern international relations, it may be advisable to survey some of the most important ones, particularly those of recent date.[26] While they have displayed sufficient similarity to constitute a type that may be discussed collectively, they have also exhibited some variations in methods which can be better appreciated in separate descriptions.

The Congress of Vienna in 1814–15 met for the purpose "of regulating in general conference the arrangements which are to complete the present treaty."[27] It had been preceded by a meeting, at Paris in 1814, of the

[26] For a list of the main peace conferences since the Congress of Westphalia in 1648 see chapter i.

[27] Article 32 of the Treaty of Paris of 1814.

diplomatic envoys of the powers which had been engaged in war with France, at which many of the important issues had been solved. To be exact, the conference that was scheduled by Article 32 of the Treaty of Paris to meet during the same year at Vienna never occurred. Negotiations that were intended to be preliminary got under way in August 1814, and did not come to an end until the terms of the settlement had actually been reached. The Congress never formally opened, credentials were never officially verified, and there was no plenary session.[28] Everything was done in intimate interviews of diplomats, for there was no official organization. There were meetings of the "four," the "five," and the "eight."[29] Besides the eight main powers there were many smaller states which had delegates present. There were representatives from the German states, Sicily, Greece, Turkey, and the Papacy, in addition to spokesmen of many special groups, such as the German Catholics, the German Jews, and the Order of St. John. That the lack of official organization and the choice of the methods employed were intended to operate to the advantage of the small group of allies may be seen from the following statement of Castlereigh "We are agreed that the effective cabinet should not be carried beyond the six powers of the first order."[30]

While there was no official machinery, certain forms and groups developed capacity for action. Committees were appointed by the special conferences of the "four,"

[28] Hazen, C. D., Thayer, W. R., and Lord, R. H., *The Three Peace Conferences of the Nineteenth Century,* pp. 15–16.

[29] The "four" comprised Prussia, Austria, Russia, and England; the "five" included France; the "eight" added also Portugal and Sweden and Spain.

[30] *Congress of Vienna,* Peace Handbook, No. 153, p. 60.

the "five," and the "eight" powers to deal with specified problems, as follows:[31]

1. Committee on Verification of Full Powers, appointed by the "eight" and effective only among the "eight."
2. Committee on German Affairs, appointed by the "four."
3. Committee on Swiss Affairs, appointed by the "four."
4. Statistical Committee, appointed by the "four."
5. Committee on the Slave Trade, appointed by the "eight."
6. Committee on the Free Navigation of Rivers, appointed by the "eight."
7. Committee on the Rank of European Powers and Their Diplomatic Agents, appointed by the "eight."
8. Drafting Committee, appointed by the "five."

Most of these committees were composed of representatives from each of the states that participated in the appointment. One exception was the committee on German affairs, appointed by the four great allied powers but made up of two representatives from Austria, two from Prussia, two from Hanover, and one each from Bavaria and Württemberg.[32] The committee on the verification of full powers, created by the "eight" to examine the credentials of the "eight," was selected by lot to contain representatives of Great Britain, Prussia, and Russia.

The special conferences of the "four," the "five," and the "eight" powers also maintained a president and a secretariat: Metternich, the Austrian Minister for Foreign Affairs, presided in all of the groups; and Gentz, the Austrian publicist, was in charge of the secretarial work. Records, styled *protocoles,* were kept, and in the conferences of the "eight" powers were read at the beginning of each meeting.

The Congress of Vienna was highly charged with the

[31] Satow, Sir E., *Congresses and Conferences,* pp. 67–70.

[32] *Ibid.,* p. 67.

spirit of chicanery. The delegates were shrewd diplomats with the motive of gaining a maximum number of concessions for their respective nations rather than that of settling with justice the problems of the day. It is alleged by one author that "at Vienna there was in existence the most completely organized secret service in Europe."[33] Ciphers were in vogue, but much information leaked out. The waste-paper baskets of diplomats supplied rich stores of information, and other devices were utilized, such as opening the letters of rival delegates to discover secrets. The social life of the occasion, which was always prominent, afforded opportunities that were employed for the transmission of knowledge. The main element of idealism was furnished the gathering by Russia, as a result of which a Holy Alliance was established.

The Congress at Paris in 1856.—The preliminaries of peace at the conclusion of the Crimean War were contained in a protocol with annexes, signed on February 1, 1856, by the representatives of France, Austria, Great Britain, Russia, and Turkey.[34] At the peace conference which ensued seven European states had delegates present, two each in every case except Turkey, which had four.[35] The first plenipotentiaries of Austria, France, Great Britain, and Prussia were the foreign secretaries of the respective states, who were accompanied by second delegates selected from the diplomatic service.[36]

[33] *Congress of Vienna,* Peace Handbook, No. 153, p. 91. For an interesting account of the ultimate results of the Congress see Bassett, John Spencer, *The Lost Fruits of Waterloo,* pp. 54–65.

[34] Satow, Sir E., *Congresses and Conferences,* pp. 41–42.

[35] Austria, France, Great Britain, Prussia, Russia, Sardinia, and Turkey.

[36] Hazen, Thayer, and Lord, *The Three Peace Conferences of the Nineteenth Century,* p. 30.

Unlike the Congress of Vienna, the Paris gathering set up a formal organization. The French Foreign Secretary, Walewski, was elected president on motion of the Austrian first plenipotentiary. The great majority of the important decisions were made in committees and in private interviews. The following committees were created:[37]

Committee on the Frontiers of Russia and Turkey
Drafting Committee on the Subjects of Principalities and Serbia
General Drafting Committee
Committee on the Straits

These committees were not composed of one delegate from each state, in the manner that is common to international conferences, but were made up only of representatives from the nations primarily interested. The committee on the Asiatic frontiers of Russia and Turkey contained two Russians, two Turks, one Englishman, and one Frenchman. The general drafting committee had delegates from only six of the participating powers, Prussia being unrepresented. The final act of the conference had reference to four conventions, two treaties, and one declaration.[38]

While the organization and methods of the Congress of Paris of 1856 were distinctly superior to those of the Vienna gathering, they were not above reproach. Representation was accorded both in committees and in the plenary sessions to minor states and to defeated powers, thereby giving the organization an aspect of fairness not possessed by some important peace conferences. The negotiations, however, were characterized by the same

[37] Satow, Sir E., *Congresses and Conferences,* pp. 70–71.

[38] Gourdon, M. E., *Histoire du Congrès de Paris, 1856,* p. 1.

trickery that had marked European diplomacy for centuries.

The Congress of Berlin, 1878.—An armistice was signed between Russia and Turkey on January 31, 1878, and simultaneously a protocol, embodying the bases of the peace settlement, was agreed upon by the two powers.[39] These arrangements affected Russia, Serbia, and Roumania on the one part, and Turkey on the other.

The Congress of Berlin was not in reality a peace conference. The terms of the settlement had been fixed and agreed upon by the belligerent states in the Treaty of San Stefano. The large powers of Western Europe, however, assumed an interest in the affairs of Eastern Europe that was used to justify careful scrutiny on their part of the provisions of the peace, and, at the invitation of Germany, delegates were sent to Berlin to form a conference. The request which the British Government received to participate indicated the relationship of the proposed gathering to the Treaty of San Stefano. It read as follows:

> Le gouvernement de Sa Majesté, en faisant cette invitation au gouvernement de Sa Majesté Britannique, entend qu'en l'acceptant le gouvernement de Sa Majesté Britannique consent à admettre la libre discussion de la totalité du contenu du Traité de San Stefano, et qu'il est prêt à y participer.[40]

The delegates of seven European states took part in the conclave, only two of whom, Russia and Turkey, had been engaged in the preceding war. The powers represented were intended to be those who were parties to the Treaty of Paris in 1856. Most of the group sent three

[39] A full account of the Congress of Berlin may be found in Satow, Sir E., *Congresses and Conferences,* or in Hazen, Thayer, and Lord, *The Three Peace Conferences of the Nineteenth Century.*

[40] *British and Foreign State Papers,* LXIX, 830.

plenipotentiaries, headed, in most instances, by foreign secretaries, but in the cases of Germany, Great Britain, and Russia by the chancellor or the prime minister. Prince Bismarck was selected president of the organization in full respect to the tradition of conferences to choose for that office the first delegate of the inviting state. There were two main committees, one for the demarcation of frontiers and another to draft the acts of the conference, both of which were composed of one delegate from each state.

In organization the Congress of Berlin was not particularly deserving of criticism. It is open to censure chiefly on account of its composition and its frequent resort to questionable methods of diplomacy.

The Paris Peace Conference and other recent conferences.—The Paris Conference of 1919 involved a complexity of organization that had been unknown to any earlier gathering. It was necessarily preceded by much preparation, for, as Mr. Temperley writes, "So great a piece of machinery as the Conference at Paris was not and could not have been created in a day."[41] It was constructed in part out of the experimental organizations which the Allied and Associated Powers had erected to direct their policies, to which was added much in the way of preparation by the individual states. Long before the war had come to an end researches had been undertaken under the auspices of the American Government in a long list of subjects that included geography, ethnography, and economics. The British Foreign Office compiled a large number of handbooks which would be of service in the peace settlement. In some of the other belligerent states similar activities were undertaken. Still

[41] Temperley, H. W. V., *A History of the Paris Peace Conference,* I, 236.

more important to the organization of the conference were the informal exchanges of views among the Allied and Associated Powers during the interval of two months between the date of the armistice and the opening of the assembly.

Twenty-seven states took part in the proceedings at Paris. The British delegation comprised a total personnel of approximately four hundred persons, including the clerical staff; the American representation was nearly as large. France utilized the man-power of her executive departments in Paris for assistance to her plenipotentiaries. The smaller countries maintained delegations of more modest proportions, but even they contained from fifty to sixty persons.

Most of the plenipotentiaries at Paris were not professional diplomats; prime ministers and foreign ministers were in attendance in large numbers. There were no envoys from the enemy states or Russia, and for that reason the gathering is accurately termed a "preliminary peace conference." Assisting the regular delegates, who numbered from one to five for each power, were an unusually large number of advisers, or "experts." The British and American groups of technicians were particularly strong on economic matters, while the French were best prepared on territorial questions and the Italians were limited to those affairs of specific interest to Italy. The advisers of the smaller nations were usually men of less distinction and ability than those of the large countries, some of them being known as simply "advocates of national claims."[42]

The methods of procedure for the conference were prescribed in a list of fifteen rules, which had been drawn

[42] *Ibid.*, p. 244.

up by the representatives of the foreign offices of the states most concerned in advance of the meeting.[43] While certain machinery was definitely provided for by these rules, such as the secretariat, president, and vice-presidents, there was no mention therein of the most important organ of the conference, the Supreme Council, and only two committees were specified. A great deal of the organization was devised as problems developed in the course of the proceedings.

M. Clemenceau was made president of the conference at the opening session without opposition. The secretariat was placed in charge of M. Dutasta, but was in many ways under the actual supervision of Sir Maurice Hankey, who had been the secretary of the Allied Supreme Council. It was the latter, for instance, who served the "Big Four" in a secretarial capacity. There were three other secretary-generals, Mr. Grew, Count Aldrovandi, and Mr. Saburi, making a total of five, and representing all of the principal Allied and Associated Powers.

The conference conducted its business in plenary sessions, in committee meetings, and, most important of all, in the informal gatherings of the Ten, the Five, and the Four. There were six plenary sessions before the treaty was signed, but they figured only in a formal way. The only full session that aroused any considerable interest was the one in which the Covenant of the League of Nations was discussed. A large number of committees were employed, some of which were composed of plenipotentiaries, while others were made up of experts. The following constitutes a complete list:[44]

[43] "The Paris Peace Conference," *International Conciliation,* No. 139, pp. 13–18. See also Appendix F, below.

[44] *Ibid.,* pp. 7–13.

Armistice Committee
Belgian Territorial Claims Committee
Economic Drafting Committee
Financial Drafting Committee
Czechoslovakian Affairs Committee
German Materials of War and Disarmament Committee
Committee on Equipment to Be Surrendered by Germany
Greek Territorial Claims Committee
Interallied Military and Naval Committee
International Legislation Regarding Labor Committee
League of Nations Committee
Commission on Poland
Mission to Poland
Committee on Waterways and Railways
Prinkipo Committee
Committee on Reparations
Responsibility for the War Committee
Roumanian Territorial Claims Committee
Supreme Economic Council
Committee Regarding Teschen

The dominance of the large powers at Paris was not achieved without a great deal of controversy. M. Clemenceau and Mr. Lloyd George appear to have been the chief protagonists of that idea, and President Wilson the champion of the small nations. The French Prime Minister is quoted as having said in the discussions of the first session:

> Am I to understand from the statement of President Wilson that there can be no question, however important it may be for France, England, Italy, or America, upon which the representa-

tives of Honduras or of Cuba shall not be called to express an opinion?[45]

President Wilson's attitude at the meeting of the Council of Ten on January 12 has been stated as follows:

> The President was in favor of holding informal conversations among the great powers but believed that they must have an organization of all the nations, otherwise they would run the risk of having a small number of nations regulate the affairs of the world, and the other nations might not be satisfied.[46]

In spite of Mr. Wilson's opposition, the European statesmen were successful in securing an acceptance of their point of view.

The Paris Conference stands out as the most manipulated peace gathering since Vienna. The Brest-Litovsk Conference of 1917–18, to provide a settlement between Russia, on the one hand, and Germany, Austria-Hungary, Bulgaria, and Turkey, on the other, was quite superior in organization, though it was not free from the element of dictation that has invariably characterized such conclaves. Russia sent nine plenipotentiaries as opposed to six for Germany, four for Austria-Hungary, two for Bulgaria, and three for Turkey, an aggregate of fifteen for the Central Powers.[47] Participation in the organization was permitted to Russia through an arrangement[48] for the rotation of the chairmanship of the plenary sessions

[45] Baker, Ray S., *Woodrow Wilson and the World Settlement* (copyright 1922 by Doubleday, Page & Company, and reprinted by special permission of Doubleday, Doran & Company, Inc., Publishers), I, 179.

[46] *Ibid.*, p. 181.

[47] United States Department of State, *The Brest-Litovsk Peace Conference,* pp. 12–13.

[48] *Ibid.*, p. 38.

and that of committees among the heads of the delegations. The Central Powers sought to obtain a consensus of opinion among themselves by informal discussions.

The Conference of Lausanne to revise the Treaty of Sèvres in regard to Near Eastern questions also devised an organization that permitted the enemy to be present and to express opinions. Turkey had three plenipotentiaries in attendance and was permitted representation on all of the committees.[49] Each of the other eight participating nations sent two delegates to the Conference.

While the military impotence of a defeated nation is the main factor in the production of a spirit of dictatorship at a peace conference, it is evident that mere organization may do a great deal to permit or to prohibit a fair presentation of both points of view. The avowed aim of all nations is a peace of justice, but a controlled organization would accept only the victor's interpretation of what constitutes justice. It is in the interest of international good-will that peace conferences adopt methods and forms of procedure in which all implicated parties are allowed to offer suggestions and defend their claims.

[49] *Documents Diplomatiques, Conférence de Lausanne,* pp. 1, 13. The main committees were on the following questions: (1) Territorial and Military; (2) Minorities in Turkey; (3) Financial and Economic Questions; (4) Drafting.

Chapter VI—THE LEAGUE OF NATIONS AND ITS CONFERENCES

A characteristic feature of the machinery of the League of Nations is its reliance upon the conference idea. While the powers of control granted to the organization are carefully restricted, the right of discussion is liberally extended by Articles 3 and 4 of the Covenant to "any matter within the sphere of action of the League or affecting the peace of the world." These provisions leave the Council and Assembly free to take up a great variety of problems singly, concurrently, or through the medium of subsidiary organs that have been created. The conference method is employed by the League of Nations not only in the Council and the Assembly, but also in the sessions of commissions and committees and in the special gatherings that are convoked under the auspices of the general organization. An investigation made by the Secretariat in the spring of 1927 disclosed the following number of meetings, grouped annually, with the average period of their duration:[1]

Year	Number of Meetings Held	Average Number of Days in Session
1920	23	10.00
1921	37	8.43
1922	47	5.74
1923	67	6.82
1924	86	7.00
1925	94	5.77
1926	105	5.54

The Assembly as an international conference.—The Assembly, as the most representative organ of the ma-

[1] Rappard, W. E., "The Evolution of the League of Nations," *American Political Science Review*, XXI, 817.

chinery of the League of Nations, is designed to act both as a general director of policy and as a "link between the Council and the public opinion of the world."[2] Its contributions to the efficient conduct of international relations are not susceptible to ready measurement. In some instances it has been an outstanding factor. Its stimulus to the reconstruction of Austria, its influence in the settlement of the Corfu affair, and its efforts in the drafting of the Geneva Protocol are cited as activities of a most laudable nature.[3] On the other hand, recent sessions of the Assembly have been regarded as less successful. Professor W. E. Rappard writes:

> I wonder whether many careful students of the League's evolution would deny that the first assemblies showed a spirit of self-confidence and of constructive imagination which the more recent have failed to display.[4]

The organization and methods of the Assembly are in many respects similar to those of an ordinary peace-time conference. There is a president chosen by vote of the members, whose duties as a presiding officer are much the same as those that adhere to the chairmanship of any diplomatic gathering. The selection of a president has been little contested, although unanimity has been less prevalent than in the choice of the presiding officers of independent conferences.[5] Twelve vice-presidents are selected by the same process, six of whom are chairmen of committees.

In its committee system the Assembly also resembles

[2] *Ibid.*, p. 807. [3] *Ibid.*, p. 806. [4] *Ibid.*, p. 807.

[5] *Monthly Summary of the League of Nations.* See following issues for the elections of the fifth, sixth, and seventh sessions: Vol. IV, No. 9, p. 169; Vol. V, No. 5, p. 126; Vol. VI, No. 9, p. 192. The votes were, respectively, 45–2; 41–6; 36–12.

the organization of the numerous conferences that have marked the modern history of international relations. Article 14 of the rules of procedure adopted by the first Assembly reads in Section 1:

> The Assembly shall establish such committees as it thinks fit for the consideration of the items on the agenda; items of the same nature will be referred to the committee.[6]

In accordance with this provision it has been the practice of the Assembly to distribute its work among six committees. An exception occurred in the special session that met in March 1925, which used only two of the group.[7] The six that are used regularly deal with the following matters: legal and constitutional questions, technical organizations, reduction of armaments, budget and financial questions, social and general questions, political questions.[8] These committees are composed of one delegate from each participating state.

Rules of procedure similar to those commonly adopted by the independent conference are employed by the League's most representative body. At the first session of the Assembly in 1920 a group of twenty-eight rules that had been prepared by the Secretary-General were discussed and adopted.[9] They deal with such matters as the selection of officers, publicity, the agenda, language, methods of voting, and committee organization and structure.

There are several advantages which the Assembly, as

[6] *The First Assembly of the League of Nations,* World Peace Foundation Pamphlets, Vol. IV, No. 1 (February 1921), p. 35.

[7] *Monthly Summary of the League of Nations,* Vol. VI, No. 3, p. 48.

[8] World Peace Foundation Pamphlets, Vol. X, Nos. 2, 3 (1927), pp. 172–73.

[9] See below, Appendix F.

a conference, possesses by virtue of its relationship with the other organs of the League of Nations, particularly with the Secretariat. In the first place, the elimination of a great volume of preliminary details is effected, such as the formation of the agenda, the determination of a place of meeting, and the supply of necessary equipment in the way of housing facilities and personnel. By Article 3 of the Covenant the place of Assembly sessions is fixed as "the seat of the League or at such other place as may be decided upon," and up to the present the Assembly has met regularly at Geneva. The secretarial staff, by Articles 9 and 10 of the rules of organization, shall be furnished by the Secretary-General of the League.[10] Specifically, it is provided:

ARTICLE 9, SECTION 1.—The Secretary-General shall be responsible for the organization of the Secretariat of the Assembly and of the secretariat of any committees set up by the Assembly.

ARTICLE 10, SECTION 1.—It shall be the duty of the Secretariat, *inter alia,* to receive, print, circulate, and translate documents, reports, and resolutions; to translate speeches made at the meetings; to draft, print, and circulate the Minutes of the session; to have the custody and proper preservation of the documents in the archives of the Assembly; to publish the reports of the meetings; and, generally, to perform all other work which the Assembly thinks fit to entrust to it.

By this arrangement the Assembly avoids the practice to which the independent conference is prone, of placing the secretariat organization under the control of the inviting power.

Probably the most valuable service performed by the League Secretariat in behalf of the work of the Assembly

[10] *The First Assembly of the League of Nations,* World Peace Foundation Pamphlets, Vol. IV, No. 1 (February 1921), p. 34.

is the preparation of the agenda, an operation which consumes much time for conferences unrelated to the League, and then is too frequently controlled to an undesirable extent by the inviting state. Whenever the Assembly convenes, a proposed agenda, usually containing ten or more items, is placed in its possession by the Secretary-General, and one of the first acts of the body is to pass upon it. This duty of fixing a program is given to the Secretariat of the League by the rules that were adopted at the first session.[11] Article 4 of the rules contains the following provision:

SECTION 1.—The agenda shall be drawn up by the Secretary-General with the approval of the President of the Council. The complete agenda shall be circulated as nearly as possible four months before the date fixed for the opening of the Session.

SECTION 2.—The agenda of a General Session shall include:

a) A report of the work of the Council since the last Session;

b) A report of the Secretary-General upon the work of the Secretariat and upon the measures taken to execute the decisions of the Assembly;

c) All items whose inclusion has been ordered by the Assembly at a previous Session;

d) All items proposed by the Council;

e) All items proposed by any member of the League; and

f) The budget for the next fiscal period and the report on the accounts of the last fiscal period.

SECTION 3.—Any member of the League may, at least one month before the date fixed for the opening of the Session, request the inclusion of additional items in the agenda. Such items shall be placed on a supplementary list, which shall be circulated to the members of the League at least three weeks before the date fixed for the opening of the Session. The Assembly shall decide whether items on the supplementary list shall be included in the agenda of the Session.

[11] *The First Assembly of the League of Nations,* World Peace Foundation Pamphlets, Vol. IV, No. 1 (February 1921), p. 32.

SECTION 4.—The Assembly may in exceptional circumstances place additional items on the agenda; but all consideration of such items shall, unless otherwise ordered by a two-thirds majority of the Assembly, be postponed until four days after they have been placed on the agenda, and until a committee has reported on them.

The periodicity of the meetings is still another advantage that the Assembly as a conference derives from its position in a permanent international organization. Article 3 of the Covenant provides that, "The Assembly shall meet at stated intervals and from time to time as occasion may require." Both regular and special sessions are authorized by this stipulation. The regular meetings have thus far been held annually; the ninth was held in September 1928. A special session was convened in March 1926 to deal with two subjects, the admission of Germany into the League of Nations, and the budget.[12] Conferences that are unrelated to the League are usually called at the time when a problem has assumed alarming or even disastrous proportions; they have rarely dealt with puzzling situations in their inception. The Assembly meets periodically, whether its agenda is replete with a list of pressing international issues or contains merely a group of minor difficulties of whose existence the general public has not yet become aware. Unforeseen disturbances between states may be treated by the Assembly in its special sessions.

Finally, the Assembly, a deliberative body organically connected with a permanent international institution, has the advantage of a fixed membership. Its fifty-five member states provide an unusually long list of conferring

[12] *Monthly Summary of the League of Nations,* Vol. VI, No. 3, p. 48.

nations. The Second Hague Conference of 1907, embodying forty-five powers, was the largest diplomatic gathering of importance that met before the World War, and there have been few post-war conclaves that have been as inclusive as those of the Assembly. The total group of fifty-five have never registered a perfect attendance at any meeting, but there have usually been at least fifty states present. The following figures indicate the range of membership in the Assembly sessions:[13]

Year	Number of States Represented	Year	Number of States Represented
1920	47	1925	50
1921	52	1926	47
1922	51	1926	50
1923	50	1927	49
1924	51	1928	50

In view of the provision of Article 3 of the Covenant that no state shall send more than three delegates, it follows that the total size of the Assembly is not likely to exceed one hundred and fifty. It has been the tendency of participating states to place in their delegations an increasing number of their leading statesmen. At the session held in 1924 there were twenty-two prime ministers and foreign ministers in attendance.[14] The proportion of such officials to the total number of delegates has ranged from 12.8 per cent to 43.1 per cent.[15]

It is suggested by Professor W. E. Rappard that the usefulness of the Assembly might be enhanced by the

[13] Rappard, W. E., "The Evolution of the League of Nations," *American Political Science Review*, XXI, 805. Figures for 1928 were added to this list.

[14] *Idem.* [15] *Idem.*

presence of more men who have attained distinction in fields other than politics.[16]

A state's representation to the Assembly commonly includes in addition to the regular delegates a group of minor officials. Substitutes, secretaries, and experts in varying numbers are attached to all of the important delegations and often to those from the smaller states. At the sixth session of the Assembly in 1925 the participating nations sent the following officers:[17]

Nation	Delegates	Substitutes	Secretaries	Experts
Abyssinia	3	3	..	..
Albania	2	..	..	..
Australia	3	1	1	1
Austria	2	1	2	..
Belgium	3	4	1	..
Brazil	3	..	2	6
British Empire	3	3	7	9
Bulgaria	3	2	1	..
Canada	3	2	1	..
Chile	3	1	5	2
China	3	1	8	2
Colombia	1	..	1	..
Cuba	3	3	6	2
Czechoslovakia	3	3	2	1
Denmark	3	5	1	..
Dominican Republic	1	..	..	..
Esthonia	3	..	1	..
Finland	3	3	1	1
France	3	9	11	9
Greece	3	2	3	1
Guatemala	1	..	..	..
Hungary	3	3	3	1
India	3	1	5	..

[16] *Ibid.*, p. 808.

[17] *League of Nations Official Journal*, Special Supplement No. 33, pp. 1–20.

Nation	Delegates	Substitutes	Secretaries	Experts
Irish Free State	3	1	1	..
Italy	3	11	9	6
Japan	3	3	10	5
Latvia	3	..	..	..
Liberia	1	1	..	..
Lithuania	3	..	1	..
Luxemburg	3	5	2	1
New Zealand	1	1	1	..
Nicaragua	1	..	..	..
Norway	3	4	1	2
Panama	1	..	..	..
Paraguay	1	..	..	..
Persia	1	1	3	..
Poland	3	6	6	4
Portugal	3	2	3	..
Roumania	3	4	2	1
Salvador	1	..	..	..
Yugoslavia	3	5	3	2
Siam	2	..	4	..
South Africa	2	..	2	..
Spain	2	4	5	2
Sweden	3	4	2	2
Switzerland	3	1	1	1
Uruguay	3	2	1	1
Venezuela	3	1	1	1

In a few instances a fourth delegate with an honorary status has supplemented the other three.[18]

The Council as an international conference.—The Council of the League of Nations forms a conference of smaller proportions than the Assembly. It was originally constructed as an organization of nine members, five of whom were to have permanent places, while four were to be chosen for a limited period of time. On account of the

[18] *League of Nations Official Journal,* Special Supplement No. 33, pp. 1–20. France at the Sixth Assembly gave M. Leon Bourgeois the title of President of Honor of the Delegation.

rejection of the Covenant by the United States the number of permanent members was reduced to four, but in 1922, at the demand of the smaller states, the non-permanent list was increased to six, with the result that the total size of the Council became ten. In September 1926, after a heated controversy, the composition of the Council was again altered, this time more profoundly than before. It was made possible by the amendment of Article 4 of the Covenant, completed on July 29, 1926.[19] Article 4 now reads as follows:

> With the approval of the majority of the Assembly, the Council may name additional members of the League whose representatives shall always be members of the Council; the Council, with like approval, may increase the number of members of the League to be selected by the Assembly for representation on the Council. The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.[20]

On September 15, 1926, the Assembly, in accordance with the amended provisions of Article 4, passed a resolution regulating the election of the non-permanent members, which states, in part:

> The Assembly shall each year, in the course of its ordinary session, elect three non-permanent members of the Council. They shall be elected for a term commencing immediately upon the election and ending on the day of the election held three years later by the Assembly.[21]

This provision, together with the admission of Ger-

[19] *Seventh Yearbook of the League of Nations,* World Peace Foundation Pamphlets, Vol. X, Nos. 2, 3 (1927), pp. 182–83.

[20] *Idem.* The second clause in the first sentence of the foregoing was added by the amendment.

[21] *Ibid.,* p. 184.

many in 1926 to permanent membership in the Council, brought the size of the smaller deliberative body of the League up to fourteen regular members.

The Council must, in accordance with Article 4, paragraph 5, of the Covenant, admit the representatives of other members of the League for the "consideration of matters specially affecting the interests" of those states. This stipulation has had the effect of bringing in for particular subjects of discussion a group of outsiders, who have numbered as high as eleven.[22] In addition to these special representatives, the Council frequently invites to its meetings other officers of the League who will be able to present information of a pertinent nature. The forty-second session called in for advisory purposes the Armenian Refugee Settlement Commission and the High Commissioner for Danzig.[23] In the forty-third meeting of the Council the following officials were asked to be present: Commissioner for Bulgarian Refugee Settlement; Committee of Architects; High Commissioner for Danzig; Director of the International Labor Office; Preparatory Committee of the Economic Conference; Saar Basin Governing Commission; Chairman of the Financial Committee. Since absences from Council meetings are not frequent among the regular members, it happens that the organization, as a conference, comprises fourteen and often more participants, besides any number of advisers, who do not have the privileges of voting and general debate.

[22] *Seventh Yearbook of the League of Nations,* World Peace Foundation Pamphlets, Vol. X, Nos. 2, 3 (1927), p. 176. For the thirty-ninth session there were eleven invited states; for the fortieth session, seven; the forty-first session, eleven; the forty-second session, six; the forty-third session, eight.

[23] *Idem.*

The recent expansion of the Council to fourteen was brought about under the pressure of political circumstances.[24] It was for the purpose of satisfying the conflicting claims of several states to membership. Its virtue as a reform measure is open to question. The danger lies in the actual inequalities between the largest states of the group and the smallest. A nation like Salvador scarcely deserves a place alongside Great Britain in an organ that is devoted to the conduct of international relations. Consequently, there is a natural tendency for the large and powerful members of the Council to form a select inner group.[25] The Council was originally established with the expectation that it should be representative of large powers. It would seem wiser to seek to attain that objective by a rigid limitation of membership rather than by an arrangement that encourages informal combinations.

The Council of the League has been an organ of increasing importance. The practice, which has steadily grown in use on the part of member states, of delegating prime ministers and foreign ministers to sessions is evidence of the position that the Council has come to occupy. The table on page 122 shows conclusively that the body has been gaining in prestige during the past few years.[26]

The Council, like the Assembly, is similar to an independent conference in many aspects of its organization and procedure, but, at the same time, by virtue of its relations with the other machinery of the League of Nations, it realizes certain distinct advantages. It has its president, who by custom is the representative of the state

[24] "Rappard, W. E., "The Evolution of the League of Nations," *American Political Science Review,* XXI, 800.

[25] *Ibid.,* p. 807.

[26] *Ibid.,* p. 805.

on whose territory the session is held unless the place of meeting is the city of Geneva, where delegates preside in rotation.[27] Committees with subcommittees and rules of procedure quite like those of an ordinary conference are employed.

Year	Number of Council Sessions	Number of States Represented	Number of Prime Ministers and Foreign Ministers	Proportion of Prime Ministers and Foreign Ministers to all Council Members
1920.....	11	8	5	5.7 per cent
1921.....	4	8	0	0.0 per cent
1922.....	7	8	0	0.0 per cent
1923.....	5	10	1	2.0 per cent
1924.....	5	10	7	14.0 per cent
1925.....	5	10	15	32.0 per cent
1926.....	6	10–14	27	39.0 per cent
1927 (to August)	2	14	12	42.9 per cent

The Secretariat of the League assists the Council in its work at several points. The agenda is prepared in advance of the meetings by the Secretary-General on recommendations from member states. The minutes of the sessions, the translation of documents, and other duties of a clerical nature are performed for the Council through the Secretariat.

Regularly recurring sessions are also secured for the Council by its position in a permanent international organization. By Article 4 of the Covenant it is required that, "The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided

[27] *Fifth Yearbook of the League of Nations, 1925,* World Peace Foundation Pamphlets, Vol. VIII, Nos. 8, 9, p. 398.

upon." In fact there have been approximately six meetings per year; the seventh year of the League terminated with forty-three sessions of the Council on record.

The permanent organizations and committees.—The League of Nations employs a considerable group of commissions and committees to take over portions of its work. Among them are some whose duration is intended to be temporary, such as the Preparatory Commission for the Disarmament Conference and the Committee for the Progressive Codification of International Law. There are others, however, that have been established with the intention that they shall be permanent. Among them are the so-called "technical organizations," which are authorized to deal with limited fields of interest. There are three such bodies in existence at the present time, which are designated as follows:

The Communication and Transit Organization
The Economic and Financial Organization
The Health Organization

The purpose of these organizations and their relation to the League of Nations may be seen from the following statement by M. Tittoni, chairman of the second committee of the Assembly on Technical Organizations, at its first meeting on November 19, 1920:

> In conformity with the letter and the spirit of the Covenant, and, even more, in view of the general purposes for which the League was established, the latter is called upon to perform a number of duties of an international character, which, from their nature, may be called duties of a technical order—such as those dealing with health, transit and communications, economic and financial questions. These duties are of importance, not merely because they form an integral part of those other duties which appear at first to appertain more particularly to the League, such

as its political duties and those which aim at securing international justice, but also because it is by means of these technical functions that the League of Nations, in this the initial stage of its existence, will be able to consolidate its structure and do justice to the importance of its mission. It is precisely in the field of these questions, more even than in the political field, that states may now be more disposed to renounce the individualistic point of view and be more inclined to act in the general interest, since the results are more immediate. The International Labor Office, which was the first technical organization established by the League, has in this way increased the credit of the League by being a practical and vital institution, that has secured the aid of that public opinion which undoubtedly constitutes the most powerful support of the League itself.[28]

A group of advisory commissions has also been established as a part of the machinery of the League of Nations. Two of them, the Military Commission and the Mandates Commission, are prescribed by the terms of the Covenant. Others have been set up by the Council as they have become necessary. Most prominent among them are the following: the Committee on Intellectual Co-operation; the Advisory Commission for the Protection of Women and Children; and the Opium Committee. These permanent organizations and commissions of the League of Nations constitute another mechanism in which the conference idea is employed. Meetings that include both political and technical delegates are held from time to time as occasion may require. The Standing Health Committee convened on three different occasions in 1926, making a total of eight sessions that had been held since the organization was created.[29] The Economic

[28] *The First Assembly of the League of Nations,* World Peace Foundation Pamphlets, Vol. IV, No. 1 (February 1921), pp. 64–65.

[29] *Seventh Yearbook of the League of Nations, 1927,* World Peace Foundation Pamphlets, Vol. X, Nos. 2, 3, p. 281. The Committee met

and Financial Organization completed its twentieth meeting in 1926.[30] The advisory commissions had held from five to nine sessions by the end of 1926. In matters of internal organization and methods these various subsidiary bodies are permitted to act independently. They commonly employ a chairman and establish subcommittees to deal with problems that develop. They prepare their own agenda and communicate it to the Council before any discussion thereon takes place in the Council.

General conferences under the auspices of the League.—The machinery of the League has contributed a new means by which an international conference may be sponsored and brought into being. Hitherto the initiative in the convocation of diplomatic gatherings had to be assumed by some one interested state or group of states, which, as its protagonists, were further expected to take the lead in furnishing equipment and organization. During the past few years a considerable number of general conferences have been called by the League of Nations and have met under its supervision. The principal meetings of this character are listed below:

Brussels Financial Conference (1920)
First Passport Conference (1920)
Barcelona Conference on Communication and Transit (1921)
White Slave Traffic Conference (1921)
London Health Conference (1921)
European Health Conference (1922)
Health Conference at Paris (1922)

in 1926 on the following dates: April 26, May 1, June 19–20, October 18–19.

[30] *Idem.*

Conference on Customs Formalities (1923)
Conference on Obscene Publications (1923)
Communication and Transit Conference (1923)
Conference of Experts on Unfair Competition (1924)
Opium Conferences (1924)
Arms Traffic Conference (1925)
Conference Relative to Tonnage Measurement for Inland Navigation (1925)
Second Passport Conference (1926)
Economic Conference (1927)
General Transit Conference (1927)
Conference on Import and Export Prohibitions and Restrictions (1927)
Conference of Press Experts (1927)
Conference to Establish International Relief Union (1927)
Conference on Trades Restrictions on Hides and Bones (1928)
Conference on Import and Export Prohibitions and Restrictions (1928)

While these conferences have closely followed in organization and procedure the diplomatic gatherings unrelated to the League, it is noteworthy that the former enjoy certain advantages. In the first place, they have been more inclusive in membership than the ordinary independent conferences. Forty-four states were represented at the Barcelona Conference on Communication and Transit in 1921, and the same number participated in the Conference for the Control of the International Trade in Arms, Munitions, and Implements of War.[31]

[31] *Handbook of the League of Nations, 1920–23,* World Peace Foundation Pamphlets, Vol. V, No. 4, p. 289; and *Monthly Summary of the League of Nations,* Vol. V, No. 5, pp. 125–26.

Conferences of thirty or more states have not been at all uncommon.[32] All of the members of the League of Nations and some non-member states, including the United States, were invited to send delegates to the International Economic Conference of 1926. Some of the gatherings convoked by the League are intended to be restricted in membership to those states whose interest in the subjects of the agenda is most vital. Only the eight main opium-producing nations were asked to send delegates to one of the two Opium Conferences of 1924.[33] In order to avoid an unwieldy group the invitations have often specifically limited the number of delegates which a state is permitted to send. Upon the recommendation of the preparatory commission for the Economic Conference each participant was allowed a maximum of five representatives, besides the experts who were permitted to attend but could not speak nor vote except by the special authorization of the conference.

The procedure by which a conference under the League of Nations is called is simple and expeditious. The original proposal has come generally from one of the technical organizations or advisory commissions, which during the course of its operations has had a peculiar opportunity to become aware of the need of concerted action. After the Council and the Assembly have passed favorably upon the suggestion, a preparatory commission is appointed by the Council to deal with such matters as fixing the time and place of the conference, issuing the

[32] There were 35 states at the Conference of 1921 on White Slave Traffic, 35 states at the Conference of 1923 on Customs Formalities, 28 states at the European Health Conference of 1922, and 36 states at the Conference of 1923 on Traffic in Obscene Publications.

[33] Buell, R. L., *The International Opium Conferences,* World Peace Foundation Pamphlets, Vol. VIII, Nos. 2, 3, p. 87.

invitations, providing draft plans to serve as a basis for discussion, and formulating an agenda. This method of calling a conference has the advantage of procuring the services of an organization that professes to be impartial in the settlement of many preliminary issues that affect the success of later deliberations.

An examination of the convocation of one or two of the better-known conferences under the League will indicate still further the benefits of this process. The first official action in behalf of the Economic Conference of 1927 was taken in the Assembly on September 15, 1925, though it had been preceded by a good deal of informal discussion among officers of the League and others.[34] In a resolution prepared by the French delegation and presented by M. Loucheur, the Assembly approved the project for a conference and asked the Council to consider the expediency of establishing a preparatory committee.[35] In part the resolution read as follows:

The Assembly, finally resolved to seek all possible means of establishing peace throughout the world;

convinced that economic peace will largely contribute to security among the nations;

persuaded of the necessity of investigating the economic difficulties which stand in the way of the revival of general prosperity and of ascertaining the best means of overcoming those difficulties and preventing disputes;

Invites the Council to consider at the earliest possible moment the expediency of constituting on a wide basis a preparatory committee which, with the assistance of the technical organiza-

[34] Young, A. A., and Fay, H. Van V., *The International Economic Conference,* World Peace Foundation Pamphlets, Vol. X, No. 4, p. 375.

[35] *Idem.*

tions of the League and the International Labor Organization, will prepare the work for an International Economic Conference.

The convening of this conference under the auspices of the League of Nations shall be a matter for subsequent decision by the Council.

On December 15, 1925, the Council acted favorably upon the suggestion and then proceeded to establish the preparatory committee called for by the resolution. As finally constituted, the committee, in addition to the representatives of the League's technical bodies and the International Labor Organization, had thirty-six members chosen to represent economic groups in twenty-one states.[36] The committee organized for its work with the appointment of M. Theunis as chairman and the selection of several subcommittees. The report of the preparatory committee to the Council contained suggestions as to the date of the proposed conference, its composition, and an elaborate agenda that might be criticized only on the ground that it was too comprehensive to admit a thoroughgoing discussion of all of the items presented. By the time the conference opened on May 4, 1927, the preparatory committee had available a collection of documents that was intended to facilitate the deliberations. The reference in the committee's report is as follows:

As to the documentary preparation, the committee is happy to report that it is well advanced. . . . . Many of these documents are of great interest, and their publication will, the committee is convinced, prove one of the most valuable results of the project for a conference.

The proposal for the Opium Conferences of 1924 was first made official by the League's Advisory Committee

[36] *Ibid.*, p. 391.

on Opium in a resolution to the Council.[37] The Council turned the resolution over to the Assembly, which replied by suggesting that all members of the League and all parties to the Opium Convention of 1912 be invited to send delegates to the projected gathering. The date for the opening of the conference was fixed by the Council, but other preparatory matters were placed in charge of a special committee of six appointed by the Advisory Committee on Opium.

These activities of the League in getting a conference under way are commendable not only because they eliminate the possibility of undue influence on the part of some one state, but also because they afford a more systematic method of preparation. Of particular value is the work of preparing documents and collecting data, which in conferences outside the League is so often left to the individual delegations, with the common result that it is not done at all or is accomplished from a partisan point of view.

In organization and procedure the conferences that are convened under the auspices of the League of Nations follow in the main the independent gatherings. Committees and subcommittees are utilized for the treatment of assigned items of the agenda.[38] The frequency of plenary sessions is dictated by the exigencies of the occasion. Experts are employed and interested organizations

[37] Buell, R. L., *The International Opium Conferences,* World Peace Foundation Pamphlets, Vol. VIII, Nos. 2, 3, p. 77.

[38] *Monthly Summary of the League of Nations,* Vol. V, No. 5, pp. 125–26. The Conference for the Control of International Trade in Arms, Munitions, and Implements of War, for instance, used the following committees: Technical Aspects of Military, Naval, and Air Questions; Legal Questions; Commercial and Statistical Questions; Special Questions; Drafting Committee.

are given representation for advisory purposes.[39] The chairmanship in conferences under the League differs from that in other diplomatic assemblies in that the office is generally filled by appointment of the Council rather than by election. The practice has the effect of further diminishing the chances that any one state or group of states will gain control. Of like consequence is the custom on the part of the League of supplying a conference for which it is responsible with a secretarial staff.

The results of a conference under the management of the League of Nations are put in the same forms that are used by other deliberative bodies. Final acts that include proposed treaties, conventions, protocols, and recommendations are usually compiled. The First Opium Conference of 1924 produced an agreement, a protocol, and a final act; the Second Opium Conference of the same year prepared a convention, a protocol, and a final act.[40] The practical value of the results of any conference, whether it be related to the League or not, is dependent very largely upon subsequent ratification and enforcement by participants, and the machinery of the League is always available to aid in the accomplishment of this result.

[39] *Fifth Yearbook of the League of Nations, 1925,* World Peace Foundation Pamphlets, Vol. VIII, Nos. 8, 9. A list of seven organizations represented at the Communication and Transit Conference of 1923 is given.

[40] *Ibid.,* pp. 556–58.

Chapter VII—CONFERENCES OF OTHER PERMANENT ORGANIZATIONS

Permanent international organizations other than the League of Nations make use of the conference method. The method affords a convenient mechanism for the exchange of opinions and the drafting of common policies, and, therefore, it has a proper place in many organizations that contemplate co-operation among nations. Conferences which are a part of established institutions generally realize from that connection substantial benefits similar to those which have been noted in the case of the Council and Assembly of the League of Nations. In a few instances innovations have been introduced affecting either the composition or the procedure, which are particularly deserving of attention.

Conferences of public international unions.—In spite of the marked differences that are to be found in the machinery of the respective public international unions, there is considerable uniformity in the fact that the conference is employed both as the constituent assembly and as the legislative organ. Generally it is known as "Congress," "Conference," or "General Assembly."[1] In the case of the Universal Postal Union, provision was made for both a congress, which was empowered to alter the convention of the organization and to make regulations for its execution, and a conference, which was to settle simple administrative questions.[2] The latter, however, has

[1] Article 10 of the Postal Convention, as modified in 1906, refers to "Congresses and Conferences as the constituent and legislative organs of the Union." In fact there have never been any meetings of the conference of the Union. See Hertslet, L., and E., *Commercial Treaties,* XXV, 430.

[2] *Ibid.,* Article 25.

never met.[3] The frequency of the meetings of the conferences of the different unions varies. While a maximum interval of from three to six years is ordinarily stipulated by the convention, there is often a degree of flexibility which makes it possible to deal with emergency situations. Article 7 of the convention which established the International Bureau of Weights and Measures states: "The general conference mentioned in Article 3 of this convention shall be at Paris, upon the summons of the international committee, at least once every six years."[4] It results from this provision and similar ones of other administrative unions that the conference is generally placed upon a periodic basis. There is no requirement, however, that the conference of the Universal Postal Union be held after a specified interval of time; in fact there have been ten meetings since the origin of the organization in 1876.[5]

The representation of states in the conferences of public unions is frequently defined in such a manner as to allow as many delegates as members wish to send, while the voting power is rigidly restricted. Article 25 of the Postal Convention provides in part:

> Each country may be represented either by one or several delegates, or by the delegates of another country; but it is understood that the delegate or delegates of one country can be charged with the representation of two countries only, including the country they represent.[6]

The International Institute of Agriculture also allows a

[3] Sayre, F. B., *Experiments in International Administration,* p. 22.

[4] Text of convention, Article 10. See Bridgman, R. L., *The First Book of World Law,* p. 260.

[5] Sly, J. F., "The Genesis of the Universal Postal Union," *International Conciliation,* No. 233 (October 1927), pp. 438–40.

[6] Bridgman, R. L., *op. cit.,* p. 32, for the text of the convention.

state to send as many delegates as it desires.[7] But in both of these instances the voting power of the respective delegations is carefully defined, in the former on the basis of equality and in the latter unequally.

One of the most significant features of the methods used in conferences of public unions is the frequent disregard of the theory of state equality. Nominal adherence to the doctrine that each state shall have one vote is often maintained. For instance, the convention which established the union to deal with wireless telegraphy provides, in Article 12, that "in the deliberations each country shall have but one vote."[8] But a stipulation of this sort does not always exclude the possibility of actual inequality. The convention of the Universal Postal Union has an identical article, but in reality the large states wield more authority than do the small powers. Giving full participation to some of the colonies of member states results in the large nations having a form of control over the following number of votes: Great Britain, six; France, four; Germany, three; the United States, two.[9] A more open violation of the doctrine of equality is made in the conferences of a few of the administrative unions. In the International Institute of Agriculture member states are classified in five groups, to each of which a specified number of votes is allotted, varying from one in the case of small nations to five for the great powers.[10] The least obvious

[7] Bridgman, R. L., *op. cit.*, p. 248.

[8] *Ibid.*, p. 266.

[9] Sayre, F. B., *op. cit.*, p. 163.

[10] Bridgman, R. L., *op. cit.* See Article 10 of the convention establishing the International Institute of Agriculture, p. 250. A similar arrangement is used under the International Sanitary Convention of 1907, which created a Bureau of Public Hygiene. See Hertslet, L., and E., *Commercial Treaties,* XXV, 685, Article 11 of the convention.

method by which large states may gain control over the proceedings of a conference of an administrative union is by securing an undue amount of representation upon the various committees, as a result of which they exercise an influence which is quite disproportionate to their actual voting power. The willingness of states in the instances that have been described to permit an unequal distribution of power is probably due to the fact that the subject-matter of the conferences is not of a nature to endanger vital interests. As a rule the programs relate only to questions of a technical nature. The Postal Congress at Stockholm in 1924, for example, made decisions on postal rates, the monetary unit, and the air service.[11] While there is no implication that these matters are unimportant, it is clear that the conferences of public unions deal with a type of material that is not regarded as highly controversial.

The composition of the congresses of administrative unions constitutes another departure from the usual practice of independent gatherings. In view of the fact that it may alter either of two documents, the convention or the *règlement,* the conference has been composed of two distinct types of representatives, who are fitted, respectively, for these different tasks. The convention has to do with the organization of the union and the fundamental principles upon which it rests. When the agenda includes proposals to change this organic document, the conference contains diplomatic agents.[12] On the other hand, the *règlement,* which has the character of an administrative ordinance, is of a more scientific nature, and therefore when it is under discussion technical delegates are sent.[13]

[11] Sly, J. F., "The Genesis of the Universal Postal Union," *International Conciliation,* No. 233 (1927), p. 442.

[12] Reinsch, P. S., *Public International Unions,* p. 153. [13] *Idem.*

Usually administrative questions are predominant, and consequently the conference is composed either entirely or in large part of technical delegates.

In the more formal aspects of organization the conferences of public international unions do not vary to a marked degree from independent diplomatic assemblies. Presiding officers and committees are commonly selected. In many cases the actual conduct of affairs is lodged in the latter rather than in the body as a whole.[14] Unanimous consent is the rule, with only a few exceptions of a minor sort.[15] The existence of permanent bureaus makes it possible to manage such matters as the time and place of the meetings and the formation of the agenda more expeditiously than is customary when the ordinary channels of diplomacy are used.

The international American conferences.—Among public international unions none is so well known to inhabitants of the Americas as the Pan-American Union. Under the leadership of James G. Blaine, Secretary of State in the United States, the first International American Conference was called, under an Act of Congress of May 24, 1888, to meet in Washington. The delegates of the eighteen states assembled organized a union whose permanence was to be insured by the creation of the International Bureau of American Republics, with headquarters in the city of Washington. Under the supervision of the United States Secretary of State it was expected that this Bureau would publish and distribute information of a commercial nature in an organ called the *Bulletin of the International Bureau of American Republics.* Since the formation of this permanent organization at the first

[14] Sayre, F. B., *op. cit.*, p. 24.

[15] Reinsch, P. S., *op. cit.*, p. 152.

conference, which opened on October 2, 1889, there have been five other conferences.[16]

While it is expected that conferences will be held from time to time, no definite arrangement has been made for regular periodic meetings. The second gathering in Mexico City in 1901–02 was called in response to the combined efforts of Mexico and the United States, though by the invitation of the former.[17] It has since been the custom of each conference to provide through a resolution that within the succeeding five years the Governing Board shall convoke another meeting, with the understanding that the time may be extended in case a meeting should become impossible.[18] In practice it has been found necessary but once to delay the calling of a conference beyond the recommended period. The fifth meeting could not be held for thirteen years after the fourth on account of the World War and the pressing problems of reconstruction which followed it.

The formation of the agenda of the International American Conference is placed in charge of the Governing Board. This body is guided to an extent by the suggestions of the preceding conferences as to what subjects shall be placed on the program. Matters of importance which are taken up but are not agreeably disposed of are frequently referred to the succeeding gathering. There has been a consistent tendency to increase the number of subjects contained in the agenda. For the first conference

[16] The second conference was held in Mexico City in 1901–02; the third at Rio de Janeiro in 1906; the fourth at Buenos Aires in 1910; the fifth at Santiago in 1923; the sixth at Havana in 1928.

[17] Reinsch, P. S., *op. cit.*, pp. 84–85.

[18] *The Bulletin of the Pan-American Union,* LVII (1923), 172, gives the text of the resolution passed at Santiago for the calling of the sixth conference.

of 1899 eight topics of discussion were listed; the third meeting of 1906 dealt with fourteen items; and the gathering of 1923 had nineteen subjects.[19] The program of the last conference, in 1928, was arranged in eight groups, which contained a total of thirty-four items.[20] Considered as a whole, the agenda of the conferences that have been held thus far represent a wide and growing area of common interests.

The number of delegates that the participating states send to the Pan-American conferences has been variable. At the third conference at Rio de Janeiro in 1906, Nicaragua, Costa Rica, Honduras, and the Dominican Republic had one plenipotentiary each; the other states sent from two to four, except Brazil and the United States, which had nine and six, respectively. Generally, the country on whose soil the meeting is held has appointed the largest number of representatives. The voting power, however, is based on the doctrine of equality. Article 15 of the rules of procedure used by the Havana Conference in 1928 reads: "The delegation of each Republic represented at the Conference shall have but one vote, and the votes shall be taken separately by countries and shall be recorded in the minutes."[21] It has come to be the regular practice to attach technical advisers to the delegations as well as secretaries, translators, and interpreters, who are to perform functions analogous to those that are managed by similar agents in an ordinary conference.

[19] For the agenda of those conferences see: *International American Conference of 1899,* I, 7–8; *International American Conference of 1906,* pp. 205–9; *Bulletin of the Pan-American Union,* LVII, 114–16.

[20] Scott, J. B., "The Sixth International Conference of American States," *International Conciliation,* No. 241 (June 1928), pp. 328–32.

[21] *Ibid.,* Appendix II, Regulations, p. 336.

The organization of an International American Conference includes the same officers and subordinate organs that are usually established at a diplomatic gathering. There is a president who is elected at the first plenary session. The practice of choosing the first delegate of the state in which the meeting is held is adhered to regularly.[22] The presiding officer of the Havana Conference of 1928 was Dr. Antonio S. de Bustamante, Cuban Judge in the Permanent Court of International Justice.[23]

On some occasions honorary presidents also have been selected.[24] The gathering of 1923 at Santiago provided for seventeen vice-presidents, who together with the president formed an executive board with the functions of supervising the work and acting as a committee to which all new questions and independent resolutions were to be referred.[25] A general secretariat has been established by each conference and placed under the management of a distinguished citizen of the state in which the gathering was held.

An important aspect of the organization is the group of committees and subcommittees which are invariably created and among which are divided the various items of the agenda. The conference of 1928 had, in addition to its committee on credentials, the following list of regular committees:[26]

[22] *International American Conference of 1889,* I, 49; *International American Conference of 1906,* p. 23.

[23] *Bulletin of the Pan-American Union,* LXII, 345.

[24] There were two for the Third Conference of 1906. See *International American Conference of 1906,* p. 23.

[25] *Bulletin of the Pan-American Union,* LVII, 154.

[26] Scott, J. B., "The Sixth International Conference of American States," *International Conciliation,* No. 241 (June 1928), pp. 9–58.

Commission No. 1. on the Pan-American Union
Commission No. 2. on Public International Law and Frontier Police
Commission No. 3. on Private International Law and Legislative Uniformity
Commission No. 4. on Communications
Commission No. 5. on Intellectual Co-operation
Commission No. 6. on Economic Problems
Commission No. 7. on Social Problems
Commission No. 8. on Treaties, Conventions, and Resolutions

While subcommittees are employed, the tendency has been to use them less frequently than is the custom in ordinary international conferences. The size of the standing committees varies from twenty to fifty members. They are not allotted equally but in accordance with the interests of participating states. The Committee on Public International Law at the Havana Conference had twenty-nine members, chosen from the twenty-one delegations.[27] The representation of the United States, Argentina, Brazil, and Chile on committees is often larger than that of the other states. The committee system is well described by the following extract from the rules of the Havana Conference of 1928:

ART. 6. The Sixth International Conference of American States shall appoint such committees as it may deem necessary, determining the number of delegates of which they may consist, in conformity with the subjects included in the program submitted for the consideration of the Conference.

ART. 7. The permanent president shall submit to the Conference for approval the appointment of the members of the different committees.

[27] *Bulletin of the Pan-American Union,* LXII, 337.

Each committee will elect from among its members a chairman and a vice-chairman.

The chairman of each committee shall appoint a reporting delegate to present general antecedents and conclusions; and, if it be deemed desirable, one or more special reporting delegates to explain the different aspects of the question under consideration and propose conclusions which they may consider advisable. The chairman, the general reporting delegate, and the special reporting delegates will in every case take measures to assure that the proposals which may be formulated bear proper relation to one another.

A report having been adopted by the committee, the chairman of the committee shall designate a reporting delegate to draw up the report in definite form for the approval of the committee and to present it to the Conference. The chairman of the committee may be designated as reporting delegate, and in any case he shall assist the reporting delegate during the discussion in the plenary session.

The minority group of a committee shall have the right to designate a reporting delegate to present its views to the Conference.

ART. 8. Delegates may attend the meetings of all committees and participate in their debates, but they shall have no right to vote.[28]

The rules of the Pan-American conferences are drafted and adopted by the Governing Board in advance of the opening session.[29] It is usually provided in one of the articles of the regulations that alterations may be made by a two-thirds vote of the conference. The subject-matter of the rules purports to facilitate the operations of the assembly by defining the functions of its officers, by dealing with such matters as the methods of voting, the

[28] *International Conciliation,* No. 241, p. 335.

[29] The Rules of the Sixth Pan-American Conference were drafted by the Governing Board on April 12, 1927. They were placed in the *Special Handbook for the Use of Delegates* which was prepared by the Governing Board.

rights and duties of members, and the processes of recording and approving minutes.

As a medium of international co-operation the Pan-American conferences have achieved much. Draft conventions and resolutions have been concluded in large numbers and beneficial discussions have occurred in regard to many controversial issues without the formulation of any definite conclusions. At the Havana Conference of 1928 there were adopted eleven conventions, eight motions, three agreements, and sixty resolutions.[30] The outstanding achievements of the gathering are to be found in the provisions adopted dealing with the reorganization of the Pan-American Union, the codification of international law, and the compulsory arbitration of disputes.[31] The matter of reorganization was dealt with in a separate convention on the Pan-American Union which was finally adopted unanimously.[32] It stipulates, in part, that henceforth the membership of the Governing Board of the Union may be composed either of the diplomatic envoys of the American States in Washington or of specially selected envoys, and that the Board shall elect its own chairman. In the field of public international law it was found possible to adopt seven projects which dealt with the right of asylum, treaties, neutrality, diplomatic officers, consular agents, neutrality in civil strife, and the status of foreigners.[33] While it was found to be impossible to deal with arbitration conclusively at the Havana

[30] *Bulletin of the Pan-American Union,* LXII, 344.

[31] *Ibid.,* p. 339; also Stuart, G. H., *Latin America and the United States* (1928), pp. 26–29.

[32] *International Conciliation,* No. 241 (June 1928), pp. 279 and 340–43, for the text of the convention.

[33] *Bulletin of the Pan-American Union,* LXII, 344.

Conference, two pertinent resolutions were adopted.[34] One, proposed by the Mexican delegation, declared aggression to be illicit and stated that "the American States will employ all pacific means to settle conflicts which may arise between them." The other commended the obligatory arbitration of juridical disputes and pledged the American States to meet in conference within a year for the purpose of formulating more precisely the details of a convention.

The Havana Conference was marked by an inclination to enlarge and revise existing economic, cultural, and commercial programs.[35] For instance the Communications Commission interested itself to an unprecedented extent in the subject of aviation and recommended the prompt construction of an inter-American automobile highway. Finally, among the significant characteristics of the gathering of 1928 should be noted the openness of its committee sessions to the public and the frequent participation of women in the work of the organization.[36]

The Pan-American movement has involved other conferences than those of the union of American States which have just been described.[37] In the first place, there have been some specialized gatherings that have occurred under the auspices of the Pan-American Union.[38] They

[34] *International Conciliation,* No. 241 (June 1928), pp. 299–301.

[35] *Bulletin of the Pan-American Union,* LXII, p. 344.

[36] *Ibid.,* pp. 340–43, 346.

[37] Some have been public, some private, and others semi-public in character.

[38] Stuart, G. H., *Latin America and the United States* (1928), pp. 33–34. See also *Report of First Pan-American Commercial Conference* (Washington, 1911); *Report of Second Pan-American Commercial Conference* (Washington, 1919); *Proceedings of Third Pan-American Commercial Conference* (Washington, 1927).

have been held for the purpose of obtaining a comprehensive exchange of views between the interested parties of North and South America, with the object of improving business conditions and trade relations. There have also been conferences that have had no official relation to the Pan-American Union. Financial conferences were called in 1915 and 1920, at the initiative of the Government of the United States, with the special purpose of considering monetary and banking problems.[39] Scientific congresses were held in 1907–08, 1915–16, and 1924–25.[40] The special gatherings that are convoked under the auspices of the Pan-American Union are prepared in large part by the Governing Board, but independent meetings are expected to shift for themselves in matters of organization, program, and procedure. It is a matter of interest that the Havana Conference of 1928 recommended in resolutions the future convocations of several special gatherings.[41]

Conferences of the International Labor Organization.—The Treaty of Peace at the termination of the World War provided in Part XIII for an International Labor Organization, which is intended to be permanent. Its existence is based upon the theory that "peace can be

[39] See *Proceedings of First Pan-American Financial Conference* and *Proceedings of Second Pan-American Financial Conference.*

[40] Stuart, G. H., *Latin America and the United States,* pp. 34–35.

[41] "Coming Pan-American Conferences," *Bulletin of the Pan-American Union,* LXII, 555–59. The following special conferences were called for by the resolutions of the Havana Conference: Second Pan-American Congress of Journalists; Fourth Pan-American Commercial Conference; Conference of the Commission of Expert Bibliographers; Pedagogical Congress; Congress of Presidents and Deans of the Universities of America; Conference on Uniform Legislation on Plant and Animal Sanitary Control; Trade-Mark Conference; Commission on Customs Procedure; Congress of Municipalities; Conference of Producers and Exporters Organizations.

established only if it is based upon social justice."[42] In brief, the purpose of the organization is to promote national regulation of working conditions in such a way as to effect a maximum uniformity. In its major aspects the International Labor Organization is identical with the typical public union, but, on account of its greater complexity of structure, the size and scope of the activities of its office, as well as some unique methods, it should be given a separate treatment.

The machinery of the organization includes a Governing Body, a General Conference, a Labor Office at Geneva with a Director at its head, and an International Commission of Inquiry. The General Conference is of importance, not only on account of its position in the organization, but also because of its status as a representative assembly designed to operate in behalf of international co-operation.

By Article 389 of the Treaty of Peace it is provided that "the meetings of the General Conference of representatives of the members shall be held from time to time as occasion may require, and at least once in every year." Over a period of ten years there have been a total of eleven meetings.[43] They have required from one week to

[42] Treaty of Peace, Part XIII, Section I, Preamble.

[43] The following meetings have occurred:

First session, 1919, Washington. (See *International Labor Conference, First Session,* Washington, 1920.)

Second session, 1920, Geneva. (See *International Labor Conference, Second Session,* Geneva, 1921.)

Third session, 1921, Geneva. (See *International Labor Conference, Third Session,* Geneva, 1922.)

Fourth session, 1922, Geneva. (See *International Labor Conference, Fourth Session,* Geneva, 1923.)

Fifth session, 1923, Geneva. (See *International Labor Conference, Fifth Session,* Geneva, 1924.)

one month to complete their tasks. The eleventh conference opened on May 30, 1928, and adjourned on June 16.

In composition the General Conference is unique. Each state is entitled to send four members, of whom two must be government delegates and the other two representatives, respectively, of employers and organizations of work people.[44] It is further provided that "each delegate may be accompanied by advisers, who shall not exceed two in number for each item of the agenda of the meeting."[45] In practice it ordinarily happens that several of the member states do not send delegates, or that they do not send their full quota.[46] Some of the less affluent states which are far removed from Geneva, such as the Union of South Africa, have complained that the meetings have been too frequent to make attendance at all of them feasible. The tenth conference, held in 1927, contained one hundred and forty-five delegates with one hundred and eighty-six substitutes and advisers, representing

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Sixth session, 1924, Geneva. (See *International Labor Conference, Sixth Session,* Geneva, 1925.)

Seventh session, 1925, Geneva. (See *International Labor Conference, Seventh Session,* Geneva, 1926.)

Eighth session, 1926, Geneva. (See *International Labor Conference, Eighth Session,* Geneva, 1927.)

Ninth session, 1926, Geneva. (See *International Labor Conference, Ninth Session,* Geneva, 1927.)

Tenth session, 1927, Geneva. (See *Monthly Labor Review,* Vol. XXV, No. 2 [August 1927], pp. 80–81.)

Eleventh Session, 1928, Geneva. (See *Monthly Labor Review,* Vol. XXVII, No. 4, pp. 40–43.

[44] Treaty of Peace, Article 389.

[45] *Idem.*

[46] Article 390 of the Treaty of Peace provides that "if one of the members fails to nominate one of the non-government delegates whom it is entitled to nominate, the other non-government delegate shall be allowed to sit and speak at the conference."

a total of only forty-three states out of the fifty-seven which are members of the organization.[47]

The International Labor Office is responsible for several features of the organization of the General Conference, including details similar to those which are managed by the governing body of the Pan-American Union.[48] The drafting of the agenda, the examination of subjects which are to be brought before the meeting, and the conduct of special investigations by order of the conference are matters that are placed in charge of the Labor Office.[49] The member states have a right to object to any item that is placed on the agenda in a statement addressed to the Director and circulated by him before the opening of the session.[50] On the basis of such objection the conference may alter the program. At the third conference in 1921 France opposed strenuously the inclusion of agricultural items on the agenda, but without success.[51]

Among the more striking features of the General Conference is its method of voting. By Article 403 of the Treaty of Peace it is provided that "except as otherwise expressly provided in this part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the delegates present." The main exception to the rule is stated in Article 405, where it is required that the adoption of a recommendation or draft convention must

[47] *Monthly Labor Review,* Vol. XXV, No. 2 (August 1927), pp. 80–81.

[48] The First Labor Conference at Washington, D.C., in 1919 was prepared by a special committee. See *International Labor Conference, First Session,* pp. 12–14.

[49] Treaty of Peace, Article 396. The Conference may assign special duties to the Labor Office.

[50] *Ibid.,* Article 402.

[51] *Third International Labor Conference,* pp. 3–271.

be by a "majority of two-thirds of the votes cast by the delegates present." These provisions do not entail such a complete breach with the doctrine of unanimous consent in the decision of important issues as at first would be apparent. All delegates are free to vote as individuals upon the subjects under consideration.[52] While the government delegates act under instructions from their governments, their votes for or against a convention are not regarded as binding.[53] No matter how their representatives may have voted, each government is left entirely free to take whatever final action it chooses in regard to a convention. There can be small objection to the majority rule at an international conference when it is admitted that the decisions taken are in no sense binding, but merely have the force of recommendations.

The committee system of the General Conference constitutes another departure from the current practice of representative assemblies. Each conference has established during the early part of its session a group of committees, some of whom are designated to deal with the various items of the agenda, while others have to do with the routine matters, such as the examination of credentials and the drafting of conventions and recommendations.[54] The unusual feature of the system is the manner in which

[52] Treaty of Peace, Article 390.

[53] Feis, H., "The Attempt to Establish the Eight-Hour Day by International Action," *Political Science Quarterly,* XXXIX, 377.

[54] The committees of the Third International Labor Conference were: Commission of Selection; Credentials Commission; Subcommission on the Reform of the Constitution; Subcommission on Standing Orders; First Agricultural Commission; Second Agricultural Commission; Third Agricultural Commission; Commission on Anthrax; Commission on White Lead; Commission on Weekly Rest; Commission on Maritime Questions; Drafting Committee. *Ibid,* p. v.

the individual committees are composed. Only two are elected by the General Conference, namely, the credentials committee and the committee of selection.[55] The committee of selection must consist of twenty-four persons, of whom twelve are government delegates, six are representatives of employers, and six are members of the workers' group, but in none of the three categories may a country have more than one of its citizens. The composition of other committees is described as follows:

> When it has been decided to set up any committee other than those specified in paragraphs C and D, the committee of selection, having fixed the number of persons of which such committee shall be composed, shall ask each group to furnish a list setting out in order of preference a larger number of names than there are places allotted to the group on the committee in question.
>
> The committee of selection shall examine the list furnished by the three groups and, if it appears desirable that any adjustment should be made in the composition of the committee so as to secure representation more adequate for the subject with which the committee will deal or more satisfactory as regards the allocation of seats to the various nationalities, shall endeavor to secure such adjustment, subject to the approval of the representatives of the groups who are present.[56]

In practice the committee of selection has allowed equal representation to the three groups of delegates who compose the main conference. It is most unusual for the committees of an international conference to be chosen by such a process as that which has been described, with the emphasis placed upon the representation of defined groups rather than that of sovereign states. It is the unique feature of the General Conference that its entire organi-

[55] "Standing Orders of the General Conference," Article 7, *Fourth International Labor Conference,* I, 564–66.

[56] *Idem.*

zation is permeated by the subordination of states to economic groups.

In several matters of detail the organization and methods of the General Conference are also at variance with those of the independent diplomatic gathering. In view of the fact that meetings are generally held in the city of Geneva, Switzerland, the practice has arisen of disregarding the tradition of choosing as presiding officer the chief delegate of the state where the session occurs. Similarly, the Secretary-General has regularly been the Director of the Labor Office rather than a specially chosen official; under his supervision there has been for every meeting a corps of subordinate officials serving as secretaries of committees, advisers, interpreters, and publicity agents.

British Imperial Conferences.—Within the British Empire live 460,000,000 people, forming a conglomerate group of nationalities and interests. Nearly three-fourths of the number are inhabitants of India, while only about 60,000,000 are whites. So complex an organism presents opportunities for co-operation and mutual counsel which are particularly inviting to the conference method. Among the more potent factors and forces that produced the Imperial Conferences was the Imperial Federation League, an organization that was very active during the decade that began in 1884.[57]

In 1887, on the occasion of Queen Victoria's jubilee, the first conference was held, in which there was much discussion but without tangible accomplishments. A similar gathering occurred in 1897, the year of the Diamond Jubilee; it also failed to achieve any lasting results but further established the conference custom. The Imperial Conference has now the status of an established institu-

[57] Robinson, H., *The Development of the British Empire,* p. 443.

tion. Its meetings usually take place every four years, but special gatherings may be summoned. Like the conferences of private international societies, the activities are confined in the main to mere discussion; it has no constitutional authority, and consequently the most that it can do is to secure informal agreements as to common action.

The Imperial Conference is not a typical international conference, and its organization is not identical with that of the ordinary gathering. It is dominated by the British Government.[58] The secretariat is furnished by the Colonial Office, and the presiding officer is the Prime Minister of Great Britain. The other participants include high officers of state from England, India, and the Dominions.

The Imperial Conference of 1926 may be regarded as one of the most successful gatherings that has yet occurred. It was opened at No. 10 Downing Street, on the nineteenth of October, and continued its deliberations until the twenty-third of November. During that interval of time there were sixteen plenary sessions and a large number of committee hearings.[59] The general sessions were attended by members of the ministries of the participating governments, with the prime ministers acting as the chiefs of their respective delegations. The representatives of Great Britain in the general discussions included the Prime Minister, the Chancellor of the Exchequer, the Secretary of State for the Colonies, the Secretary of State for Foreign Affairs, the Lord President of the Council, and various other ministers who were in attend-

[58] Munro, W. B., *The Governments of Europe,* p. 371.

[59] "Summary of Proceedings," *The Imperial Conference,* p. 4.

ance for the presentation of particular subjects.[60] The delegations of the Dominions and India were considerably smaller, some of them consisting of only one person, unless the subject of debate were such as to necessitate the presence of other state officials from the government departments most concerned.[61] There were one hundred and thirteen persons who participated in the discussions in one capacity or another, representing the eight governments which had an official status in the proceedings.

The gathering of 1926, unlike the other imperial conferences, conducted much of its business in committees and subcommittees, among which the main items of the agenda were distributed.[62] The most important committees were those dealing with nationality, imperial communications, inter-imperial relations, and imperial defense. The use of committees was decided upon as a result of the correspondence that occurred prior to the convening of the conference, which emphasized the length of the agenda and the limited time available for discussions. At the concluding meeting a resolution was adopted recognizing the advantages of the committee system and recommending its use in the future.[63]

Several resolutions of significance were adopted by the Imperial Conference of 1926, affecting immigration, citizenship within the empire, imperial defense, imperial organization, and other matters of common interest.[64] General satisfaction with the success of the deliberations was expressed in the concluding speeches that were made at the final plenary session. Since the termination of the

[60] "Summary of Proceedings," *The Imperial Conference,* pp. 4–10.

[61] *Idem.* [62] *Ibid.,* p. 60. [63] *Idem.*

[64] The text of the accomplishments of the Imperial Conference of 1926 is given in *Current History,* XXV, 562–69.

gathering it has become increasingly clear that the use of the conference method has had a cementing effect upon the British Commonwealth of Nations. The empire is a form of league of nations in which the deliberative assembly has proved of unquestioned utility.

In addition to the regular imperial conferences, special gatherings of representatives of the empire have occurred from time to time, some of an official character and others of a purely private nature. The British Empire Patent Conference, held at London in 1922, was attended by official delegates from the outstanding British dependencies.[65] The conference dealt only with the subject of patents, and therefore its membership was limited to persons officially connected with the patent offices of the respective governments. The Congress of the Universities of the Empire, held at London in 1912, and the Imperial Botanical Conference, which met at the same city in 1924, are two of the outstanding private gatherings that have occurred within the British Commonwealth of Nations.[66] In congresses of this type there has been on some occasions a small amount of official encouragement or assistance, particularly in connection with the preliminary details, but generally the contrary has been true.

[65] *British Empire Patent Conference, London, 1922.*

[66] See *Proceedings of the Congress of Universities of the Empire, London, 1912,* and *Report of the Proceedings of the Imperial Botanical Conference, London, 1924.*

Chapter VIII—SEMI-PUBLIC AND PRIVATE INTERNATIONAL CONFERENCES

International conferences are of three main types, according to the relation which governmental agencies bear to them. When an assembly is convened and supported through the instrumentality of governments, and is composed solely of delegates officially chosen, it is in every sense public. A private conference, on the other hand, is one which is entirely divorced in both its membership and its management from any governmental action. During recent decades gatherings of a third type, which may be designated as semi-public, have been increasing in frequency and in importance as a medium for the conduct of international relations. In such conferences it is the practice to provide a measure of governmental control or participation without at the same time depriving the assemblage of a large element of private management and individual initiative. The motives that may prompt governments to supplement private action are varied. In many instances the programs have contained items that have borne a close relationship to governmental activities, affecting in some respect the health or welfare of the general public. On other occasions it has seemed that the presence of governmental agents in official capacities would make available information or points of view which might contribute to the success of the deliberations. Finally, governments have sought through their encouragement of semi-public conferences to develop a more general understanding among peoples of their common problems.

Methods of governmental participation in semi-public conferences. — Semi-public international conferences differ considerably in regard to the methods of

governmental co-operation that are employed. Frequently the only public participation which is offered is the payment of expenses by governmental authorities, with the proviso that the details of organization and membership shall be privately controlled. The fifth *Congrès International des Sciences Historiques,* which met at Brussels in 1923, was of such a character.[1] The expenses of the meeting were partially paid by the Belgian Government and the King of Belgium was its patron, but otherwise it was similar to a private gathering.[2] The Royal Historical Society of London and the Académie Royale de Belgique, which were responsible for the organization of the conference, appointed an organizing committee that was composed of both high officials of Belgium and Belgian professors.[3] Membership in the gathering was limited to individual persons, who were in no case representative of governments.

A greater degree of public control is to be found in conferences where the government not only pays the expenses that are incurred, but also participates in the process of organizing the meeting. The International Congress on Hygiene and Demography, which convened in Washington, D.C., in 1912, was based upon such an arrangement.[4] The aim of the gathering, which was to "extend the knowledge and improve the practice of hygiene, public health, and vital statistics in the countries which participate," readily elicited the interest of public authorities in the United States to the extent that co-operation seemed desirable.[5] Consequently, under an act of the

[1] *Compte Rendu, Congrès International des Sciences Historiques,* 1923. [2] *Ibid.,* p. 8. [3] *Ibid.,* p. 8.

[4] *International Congress on Hygiene and Demography, 1912.*

[5] *Ibid.,* p. 1.

Congress of the United States, it was arranged that the expenses of the gathering should be paid by the American Government. Further, it was provided that the chairman of the committee on organization be the head of the United States Public Health Service, and that participating states be invited to collaborate in the selection of the other members of the committee.[6] Membership in the conference itself was open to "any person interested . . . . on the payment of a membership fee of five dollars."[7] The control of the organizing committee by governments does not necessarily indicate a desire to manage the business of a meeting; it is often made necessary by the unavailability of any private organization that might reasonably be asked to assume that duty.

In most instances semi-public conferences involve not only some degree of governmental responsibility for expenses and organization, but also the issuance of invitations and the delegation of official representatives. The three Pan-American scientific conferences that have been held were of such a character. They were preceded by three Latin-American scientific congresses that were held in South American cities.[8] It was in 1908 that the first Pan-American Scientific Conference occurred at Santiago; it was followed by a second at Washington, D.C., in 1915–16, and by a third at Lima in 1924–25. Their avowed aim was

> to increase the knowledge of things American, to disseminate and to make the culture of each American country the heritage

[6] *International Congress on Hygiene and Demography, 1912,* pp. 2–3.

[7] *Ibid.,* pp. 6–8.

[8] The first Latin-American Scientific Congress was held at Buenos Ayres in 1898, the second at Montevideo in 1901, and the third at Rio de Janeiro in 1905.

of all the American Republics, to further the advancement of science by disinterested co-operation, to promote industry, inter-American trade and commerce, and to devise the ways and means of mutual helpfulness in these and in other respects. . . . .[9]

These aims are of a nature to make an appeal to governments and to individual scientists. Both should profit from common deliberations.

The Pan-American Scientific Congresses have been financed by public funds. Their committees of organization have contained both official and unofficial delegates. The Pan-American Union, through its officers and agencies, has contributed notably to the success of the scientific congresses.[10] The Director of the Union has generally been the Secretary-General of the conferences and has also served as a member of the organizing committee and of the executive committee. The membership for each conference has been made up of both the official delegates of participating states and the unofficial delegates from the leading scientific associations and educational institutions. At the second Pan-American Scientific Congress over twenty-five hundred persons were present, including both official and unofficial delegates.[11] Among the unofficial delegates those chosen by the learned societies and institutions were required to have the approval of the secretaries of state of their respective countries.[12] Unofficial delegates who appeared on the program were appointed

[9] *Proceedings of the Second Pan-American Scientific Congress, 1915–16,* p. 6.

[10] See *Report of Secretary-General, Second Pan-American Scientific Congress, Washington, 1915–16,* p. 11.

[11] *Proceedings of Second Pan-American Scientific Congress,* p. v.

[12] *Report of Secretary-General, Second Pan-American Congress, 1915–16,* p. 18.

under the authority of the Secretary-General of the Conference.[13] The number of official delegates to the Pan-American Scientific Congresses has generally exceeded that of unofficial representatives.[14]

There are other Pan-American conferences that have had a semi-public character. The Pan-American Financial Conferences of 1915 and 1920 were in the main public assemblies, but in both cases unofficial representatives were present in small numbers.[15] The Pan-American Commercial Conferences belonged distinctly to the semi-public type.[16] They represent again a combination of the efforts of governments, private societies, and the Pan-American Union. Both official and unofficial delegates were given membership in the gatherings. The preparations for the third conference in 1927 were under the general management of the Governing Board of the Pan-American Union, but several duties were delegated by it to the American Secretary of State, such as the arrangement of a date for the opening of the sessions.[17] The program of the conference with the following items of discussion was of interest both to governments and to private parties:[18]

[13] *Report of Secretary-General, Second Pan-American Congress, 1915–16,* p. 18.

[14] See *Report of Delegates of United States of America to the Third Pan-American Scientific Congress, Lima, 1924–25,* pp. 2–23. Argentina had fifteen official delegates and ten unofficial, Brazil seven official and no unofficial, Bolivia one official and no unofficial. The United States of America, on the contrary, had ten official and thirty-three unofficial delegates.

[15] See *Actas del Primer Congreso Financiero Panamericano,* pp. 1–6; and *Report of Secretary of the Treasury to the President, 1921,* p. 5.

[16] See *Proceedings of the Third Pan-American Commercial Conference,* pp. 5–23.

[17] *Idem.*

[18] *Idem.*

1. Transportation and inter-American commerce
2. Foreign investments and inter-American trade
3. Consular procedure
4. Customs regulations
5. Barriers to inter-American commerce
6. Arbitration of commercial disputes

The chambers of commerce of the American countries played an important rôle in the program and procedure of the conference.

The International Dental Congress at London in 1914 affords still another illustration of a conference which combines public and private control. Its patron was His Majesty the King of England.[19] The committee on organization was composed of fifteen persons, of whom ten were chosen by the British Dental Association and five by the International Dental Federation.[20] The membership of the conference was made up of delegates from twenty-one governments and dominions, representatives from fifty-five dental societies, and individual persons upon the payment of fees.[21]

It is generally the practice that, when both official and unofficial delegates are expected to attend a conference, the former are invited by the government of the country where the meeting is to be held and the latter by some interested private society. The International Congress of the Chambers of Commerce, held in Boston in 1912, was attended both by official spokesmen of the leading commercial states and by the delegates of affiliated national bodies.[22] Invitations to attend were issued to each of the

[19] *Transactions of the Sixth International Dental Congress, Comptes Rendus,* pp. xv–xix. [20] *Idem.* [21] *Idem.*

[22] *Fifth International Congress of Chambers of Commerce,* p. 8.

national groups by the Boston Chamber of Commerce and to participating states by the government of the United States.[23]

The organization of semi-public conferences.—The machinery of a semi-public international conference is by no means so controlled by governmental authority as is that of the public gathering. While the dominance of the state or states responsible for the gathering is assumed in the case of public conferences, it is often reduced to a minimum in meetings where private organizations or individuals are on a parity with governments. For certain types of semi-public gatherings, it is regarded as superior practice to leave the initiative in matters of organization in private hands, in so far as it is possible.

Allusion has already been made to the common policy of establishing an organizing committee to deal with the large number of pre-conference details. The composition of this committee has on occasion been a problem of some importance. Very satisfactory arrangements have been possible in instances where the projected conference bears some relation to another international body or to earlier meetings of a similar nature. The Governing Board of the Pan-American Union has proved to be especially useful in connection with some of the conferences of American republics that have occurred from time to time. Furthermore, each of the Pan-American Scientific Congresses has made some helpful provisions for the organization of those which have occurred later. The first one of the three chose Washington, D.C.,[24] as the city in

[23] *Fifth International Congress of Chambers of Commerce*, p. 8.

[24] *Report of Secretary-General, Second Pan-American Scientific Congress, Washington, 1915–16*, p. 11.

which the second gathering should be held, and appointed a provincial committee of Americans to arrange for it. Similarly, the second conference made plans for the third.[25] It is possible through such devices to obtain a more unbiased and representative control of the organization of a conference than when one government alone assumes the duties.

The formal organization of a semi-public conference ordinarily includes a president, several vice-presidents, and, in some cases, honorary vice-presidents. Usually, the former is chosen from the state in which the meeting is held, and is frequently a public official. The president of the International Dental Congress in London in 1914 was an English delegate.[26] The Secretary of the Treasury of the United States was made the presiding officer of the second Pan-American Financial Conference in 1920.[27] The secretary-general of a conference is also commonly taken from the state in which the sessions occur. These various officials are obliged to operate within the stipulations of a body of rules, which is drafted by the organizing authority and adopted by the conference, usually at the same session in which the officers themselves are formally elected.

While the committee organization of a semi-public gathering is extremely flexible, there is approximate uniformity among those of the more outstanding conferences.

[25] *Report of Delegates of United States of America to the Third Pan-American Scientific Congress, 1924–25,* pp. 83–86.

[26] *Transactions of the Sixth International Dental Congress, Comptes Rendus,* p. xv.

[27] "Second Pan-American Financial Congress, 1920," *Report of the Secretary of the Treasury to the President,* p. 17.

An executive committee is formed to direct the work of the group. It is composed of the officers of the conference, including the president and the secretary-general, and either the chairmen of the official delegations, the vice-presidents of the conference, or the chairmen of the sections. The main committees, commonly designated sections, are formed for the purpose of facilitating the discussion of the subjects that have been placed upon the program of the conference. There are from five to ten sections, which may be still further divided into subsections. The second Pan-American Scientific Congress, by way of illustration, contained sections to deal with each of the following subjects: anthropology; astronomy (including meteorology and seismology); the conservation of natural resources; education; engineering; international law (including public law and jurisprudence); mining (including metallurgy, economic geology, and applied chemistry); public health and medical science; transportation (including commerce, finance, and taxation).[28] These sections were divided into forty-five subsections. Certain additional committees are sometimes considered desirable to deal with such matters as resolutions and social events.

The procedure of a semi-public conference consists in the main of a series of open discussions, conducted both in plenary session and in the meetings of the committees or sections. Papers are presented dealing with specified aspects of the main subjects as contained in the program. Frequently they are translated and distributed in advance of the meetings in all of the official languages of the conference, so that members may be prepared to participate. This requires the maintenance of a staff of translators,

[28] *Proceedings of the Second Pan-American Scientific Congress, Washington, 1915–16,* p. v.

stenographers, and clerks, which in some instances has been of considerable proportions.

The results of a semi-public conference are not so definitive as those of a public gathering. It is not expected that treaties will be drafted. The conclusions of a semi-public conference are merely advisory in character. The rules of the *Second Congrès International des Sciences Administratives,* which met at Madrid in 1915, stipulated specifically:

"Les conclusions peuvent être votées ou acceptées comme de simples recommandations."[29]

In practice the resolutions which are adopted by semi-public gatherings refer quite as frequently to purely private or individual action as to governmental. The larger the element of public control which is present in the organization of a conference, the greater the number of resolutions relative to governmental action or policy which are drafted and signed. A semi-public conference often terminates without the adoption of any resolutions, particularly where the primary aim is the dissemination of ideas. In such instances the records of discussions and reports are the only permanent documents of the conference.

The utility of semi-public conferences.—The efficacy of the conference system of the world is greatly enhanced by the use of the semi-public gathering. It is, in the first place, a device by which governmental agencies may encourage private groups to co-operate on a broad basis. Without public encouragement, private interests and organizations would no doubt act much more slowly

[29] Règlement No. 15, *Second Congrès International des Sciences Administratives, Madrid, 1915,* p. 9.

in finding occasions and methods for common deliberation. Furthermore, neither the public nor the private conference is adapted to the joint consideration between governments and private organizations of matters of concern to both.

The tangible results of any specific conference are not easily measured. When resolutions affecting public policies are signed by delegates, there is no obligation on the part of governments to enact them into law, though favorable action has ordinarily been forthcoming where the requests have been reasonable. It is rather the intangible results of a semi-public conference that are most durable. The free interchange of ideas and the discussion of common problems are among the most lasting benefits that are generally derived. The absence of any obligation to form an agreement or to adopt resolutions will often lead to a greater freedom and frankness on the part of individual participants. The Pan-American Commercial Congresses, by establishing a general understanding of existing needs and by the encouragement of favorable governmental policies, have contributed immeasurably to the development of trade among the American republics.

Private international conferences.—While the scope of this study is limited primarily to conferences involving public participation, attention should be called in it to those with interests and activities of a distinctly private character. The large number of such gatherings[30] and the multifarious subjects that have come under their juris-

[30] See Doré, R., *Congrès Internationaux* (Paris, 1923), for specific congresses on each of the following subjects: Religion, Philosophy, Science, Anthropology, Letters, History and Archaeology, Political Science and Statistics, Geography, Arts, Games and Sports, Education, Instruction, Medicine, Hygiene, Agriculture and Food, Marine and Fisheries, Commerce, Colonization and Expansion, In-

diction are among the important aspects of modern intercourse. To be sure, private international conferences belong properly to the field of cosmopolitanism rather than to that of internationalism, representing as they do an attempt of peoples to co-operate on the basis of interests apart from nationality.

International conferences of private interests may be divided into two classes, namely, those that are related to permanent organizations, and those that have an independent status. Among the former may be grouped the gatherings of such societies as the International Association of Medicine, the Institute of International Law, the International Institute of Public Art, the Young Men's Christian Association, the World Church Alliance, the International Association for the Legal Protection of Laborers, and a host of others.[31] Conferences of private interests which have not effected a permanent organization have included the following typical gatherings: Pan-American Students Conference of 1921, International Congress of Students at Mexico City in 1921, Baltic and White Sea Conference of Shipowners in 1920, and Pan-Pacific Educational Conference in 1921.[32]

dustry, Trades, Transportation, Relief and Charity, Co-operation, Social Questions, Jurisprudence and Administration, and Finance.

Potter, P. B., *Introduction to the Study of International Organization* (p. 291, notes), gives the following list, indicating the frequency of international private conferences:

1840–49	10 conferences	1880–89	272 conferences
1850–59	18 conferences	1890–99	475 conferences
1860–69	64 conferences	1900–09	985 conferences
1870–79	139 conferences	1909–14	458 conferences

[31] See "Annexes," *La Vie Internationale.*

[32] For these conferences see, respectively, *Bulletin of Pan-American Union,* January 1922, p. 57; *ibid.,* December 1921, p. 546; *New York Times,* June 10, 1920, p. 17; *ibid.,* April 4, 1921, p. 15.

The organization and methods of private international conferences are somewhat more simple and informal than those of public gatherings. When another organization acts as sponsor to a conference it assumes responsibility for the arrangements. The Conference at Lausanne in 1927 on Faith and Order, for instance, sprang from a meeting in 1920 of the representatives from seventy churches taken from forty states, at which time a committee was appointed to make plans for the Lausanne gathering.[33] The World Conference on Narcotic Education at Philadelphia in 1926 was initiated by the International Narcotic Educational Association.[34] Congresses of professional men, such as those dealing with the history of religion, philosophy, medicine, and mathematics, are generally of a periodic nature, and consequently each is able to establish machinery to make the arrangements for a succeeding meeting.

Membership in private conferences is generally restricted. There were approximately five hundred members of the Lausanne Conference on Faith and Order in 1927, of whom four hundred and fifty were chosen by church bodies on an unequal basis. The other fifty places were allocated to persons whose presence seemed particularly desirable.[35] At the Congrès International de la Presse at Stockholm in 1897 membership was limited to represen-

[33] *Proceedings of the Conferenee at Lausanne on Faith and Order, 1927* (published by the Student Christian Movement, London, 1927), p. vii.

[34] *Proceedings of First World Conference on Nareotic Eduea-tion, Philadelphia, 1926,* edited by H. S. Middlemiss (Washington, 1926), p. 4.

[35] *Proeeedings of Conference of Lausanne on Faith and Order,* p. xii.

tatives of associations and approved journalists.[36] The payment of fees is frequently required of members of private conferences.

The machinery of a private international congress ordinarily includes a president, several vice-presidents, a secretary-general, and several committees or sections. In addition there may be clerks, translators, interpreters, statisticians, and others, according to the needs of the group. The procedure centers about the papers or speeches which are formally presented and discussed. The results of a congress are summarized in a set of printed proceedings, and, in case there is a desire to induce official state action on any matter, resolutions are drafted and sent to the various governments. From the form of the work which is accomplished by private international gatherings, it appears that most of them are intended to afford a means for an interchange of ideas and information; only a minority of them hope to bring the results of their deliberations to the attention of governments for the purpose of altering the existing order. The chief value of the private international conference lies, therefore, outside the field of public action. Even more distinctly than the semi-public conference, it is a medium for mutual understanding with high educational possibilities. The future development of public international organization will be dependent in large measure upon a favorable psychological attitude on the part of nations toward each other's conditions and problems. Both the private and the semi-public international conference have a place in fostering this attitude.

[36] *Compte Rendu, 4me Congrès International de la Presse, Stockholm, 1897* (Bordeaux, 1898), pp. 4–6.

Chapter IX—PROBLEMS OF ORGANIZATION AND PROCEDURE

The actual operation of international conferences has thrown into the foreground a group of issues affecting the methods of organization and procedure, which are bound to be of weight in the developments of the future. These problems have been gaining an increasing prominence in the gatherings that have occurred since the Paris Peace Conference of 1919, where most of them appeared in a new light or with an added emphasis, thereby absorbing much of the time of the plenipotentiaries. The success or failure of the deliberations of specific conferences must depend in large part upon the solutions which are made of these major questions.

The publicity of international conferences.—The increasing interest of the public in the field of foreign affairs and the emphasis of democracy upon popular control of government have combined to establish a widespread demand that the processes of internationalism shall be opened to the view of all. The publication by the Secretariat of the League of Nations of treaties that are made by member states constitutes a partial recognition of the doctrine that treaties, once made, should be public property. A more contentious aspect of the question of open diplomacy is related to the negotiation process of international agreements. While there is a substantial consensus of opinion that existing covenants be "open," there is much skepticism regarding the requirement that they be "openly arrived at." The international conference is a mechanism for the negotiation of treaties and for deliberation on matters of common concern. The publicity of its methods, therefore, becomes a matter of extreme significance.

The idea of keeping the proceedings of international gatherings entirely unknown to the public has been losing favor rapidly since the opening of the present century. To the old school of diplomacy closed conferences were the accepted and unquestioned rule. Both peace conferences and conferences in time of peace permitted the attendance at sessions of none but secretaries in addition to the duly accredited plenipotentiaries. Statements to the public from conferees were altogether irregular, sometimes entirely nonexistent and on other occasions only in the form of leakages. Even the results of deliberations were frequently embodied in secret treaties, the contents or even the existence of which remained speculative for long periods of time. The most common means of publicity attached to the old-time conference was the eventual publication of the protocols of the sessions, bereft, to be sure, of any allusions to secret pacts.

The Congress of Berlin in 1878 has been referred to as the "climax" in the attainments of secret diplomacy.[1] At the first session of that body the presiding officer, Prince Bismarck, expressed the expectation that the plenipotentiaries would be unanimous in keeping their deliberations secret.[2] The proceedings of the Berlin gathering were no more closed to the public than were those of the Congress of Paris in 1856 and most of the other diplomatic conclaves of the nineteenth century. In all probability, however, the Berlin meeting sheltered more trickery than did any of the other gatherings. Even the Geneva Conference of 1864 for the amelioration of the condition of soldiers wounded in battle was closed to all except secretaries and members of the International Committee.[3]

[1] Poole, D. C., *The Conduct of Foreign Relations,* p. 95.

[2] Satow, Sir E., *Diplomatic Practice,* II, 92. [3] *Ibid.,* p. 120.

The twentieth century has witnessed a small number of conferences that have pretended to be essentially closed. The Portsmouth Peace Conference in 1905, at the termination of the Russo-Japanese War, agreed upon secrecy in spite of the objection of the Russian delegates.[4] Article 3 of the *règlements* of the London Naval Conference of 1908–09 read as follows: "The meetings of the conference are not public; its deliberations remain strictly secret."[5] Most of the recent diplomatic gatherings, however, have maintained some contact with the outside world during the course of deliberations.

It is interesting to observe that, in many instances where complete secrecy has been contemplated, it has been impossible to prevent information from getting out to the public. The English press obtained information of the proceedings of the Congress of Paris in 1856 and assumed a condemnatory attitude.[6] Similarly, news about the work and the problems of the Portsmouth Peace Conference of 1905 trickled out from the halls of deliberation, presumably through the Russian delegates, causing some consternation. From these and similar incidents, it is apparent that popular interest and intelligence with respect to important international issues have developed to a point that will not permit complete seclusion in diplomatic negotiations.

The practice of admitting the public to plenary sessions under specified conditions has come to be accepted by recent international gatherings as a very possible procedure. This form of publicity has not been achieved, however, without an effort. The First Hague Conference

[4] Satow, Sir E., *Congresses and Conferences,* p. 161.

[5] *Ibid.,* p. 130.

[6] Gourdon, E., *Histoire du Congrès de Paris,* pp. 240–41.

of 1899 insisted that its work could be accomplished most favorably behind closed doors, in spite of the attitude of the American delegates, who supported the principle of complete openness of the entire conference. Mr. James Brown Scott makes the following comment upon the problem and its treatment at the first Hague meeting.

> The question of publicity was one which greatly perplexed the conference, for two legitimate interests found themselves in almost irreconcilable opposition; the interest of the public on the one hand which wished to know exactly what took place; and the interest of the conference on the other, which desired, as far as possible, to conduct its labors and reach conclusions without subjecting itself in advance to criticism, however honest and sincere, based upon judgments formed at a distance and upon an imperfect understanding of the aims and purposes of the conference. A compromise was therefore attempted. The secrecy of the proceedings of the sessions was adopted as the rule. To satisfy the legitimate curiosity of the public in as large a measure as possible, the president was authorized in his discretion to make communications to the press. As the desire of the press is for full and accurate information, it cannot be said that the compromise was wholly satisfactory.[7]

The Second Hague Conference, which met eight years later, appears to have been the first important international assembly to admit the public to the plenary sessions. Article 10 of the rules provided that,

> The public shall be admitted to the plenary meetings of the conference. Tickets for this purpose shall be distributed by the Secretary-General with the authority of the president; the Bureau may decide at any time that certain proceedings shall not be public.[8]

[7] Scott, J. B., *The Hague Peace Conferences of 1899 and 1907*, I, 53–54.

[8] *Ibid.*, p. 122.

Even in this instance, it will be noted, the right to close the doors of the conference was not entirely relinquished.

At the Paris Conference of 1919 President Wilson's fight for publicity included a demand that the representatives of the press be admitted to plenary sessions.[9] While most of the conference deliberations remained enshrouded in secrecy, success did attend the effort of the American first delegate at this point. Press correspondents were allowed to be present at the first general session that occurred on January 18 and at the final meeting, though in neither case were they given desirable seats.

Post-war international conferences have inclined to the practice of allowing representatives of the public to attend general sessions. Rule 13 of the Conference on Central American Affairs of 1922–23 provided in part that, "The sessions of the conference shall be public."[10] The Genoa gathering of 1922 permitted outsiders to be present "except when otherwise notified."[11] The Washington Conference on the Limitation of Armament and a large number of other international assemblies adopted similar regulations. The main exceptions among recent meetings have been the sessions of the Allied Supreme Council and those of the Council of Ambassadors, where the only persons present in a non-diplomatic capacity were secretaries.

The proponents of the idea of secrecy in the negotiation of international engagements have little ground for opposition to the admission of the public at plenary ses-

[9] Baker, R. S., *Woodrow Wilson and the World Settlement,* I, 116–55.

[10] *Conference on Central American Affairs, 1922–23,* p. 114.

[11] Article 8, Rules of the Conference. See Mills, J. Saxon, *The Genoa Conference,* p. 79.

sions. It has come to be quite universal in practice that the real work of a conference is done either in committee or in the private conversations of groups of plenipotentiaries. With the tendency of international gatherings to become more inclusive in membership there has been an increasing recourse to smaller subordinate bodies for the settlement of the most controversial issues of the agenda. This results in making the work of the general sessions more or less perfunctory. At the opening meeting the main item of business is the completion of the organization of the conference, a function which does not require secrecy. The remaining plenary sessions deal almost entirely with the reports of subsidiary groups, putting an official stamp of approval upon decisions that have earlier been made behind closed doors. To state the case bluntly, the public, in gaining admission to the general meetings, have gained only the privilege of observing the gestures.

Conferees have been disposed to guard zealously the secrecy of committee proceedings. Aside from the organs of the League of Nations the public has never achieved a recognition of the right of being present at such meetings, even when a great deal of publicity in other respects is countenanced. Article 13 of the rules of the Conference on Central American Affairs in 1922–23 is typical of the practice. It reads as follows:

> The sessions of the conference shall be public; the meetings of the committee of the whole of the conference, and of any other committees of the conference shall be held in private and access shall not be had to them except by the secretaries of delegations, the members of the Secretariat-General and the employees of the conference.[12]

[12] *Conference on Central American Affairs, 1922–23,* p. 114.

In the Washington Conference on the Limitation of Armament, considered by many as one of the most "above-board" gatherings known to history, the secrecy of committee sessions was similarly protected. American newspaper correspondents at the Paris Peace Conference of 1919 clamored vainly for the privilege of attending committees. The Sixth International American Conference at Havana established a notable precedent when it decided that all sessions, both plenary and committee, should be open to the public; but the interpretation of the rule was flexible enough to permit subcommittees to function in private when they deemed it advisable.[13]

When the organization of a conference permits an inner group of plenipotentiaries to manipulate business, it is a condition of success that the deliberations be beyond the eye of the public. The proceedings of the "Ten," the "Five," and the "Four" at the Paris Conference of 1919 were entirely secret, often from even the members of the secretarial staff. The business of these groups, however, was of such great moment to the world that it was well-nigh impossible to prevent news from leaking out. The personal papers of some of the participants that circulated about and the careless conversations of advisers who were summoned occasionally provided the main vehicle for the information of the public on matters that were supposed to remain dark. Thus the *Frankfurter Zeitung* of June 21, 1919, contained an account of several of the sessions of the "Big Four."[14] Sometimes it appeared that the French press was able to obtain informa-

[13] Stuart, G. H., *Latin America and the United States,* second edition (1928), p. 26.

[14] Temperley, H. W. V., *A History of the Paris Peace Conference,* I, 256.

tion that could be used in behalf of the French cause. Mr. Tumulty, private secretary to President Wilson, observed the effects which these leakages to the French newspapers were producing and, on March 14, 1919, cabled the following message to the American delegation: "Publicity from the European end doing great damage here."[15]

In properly organized gatherings pressing problems are turned over to committees and are not brought under the jurisdiction of a self-constituted inner group. While it is entirely unjustifiable for the powerful few to assume unto themselves such complete control of the business of an international conference, there is much reason in the idea of refusing admission to meetings where far-reaching decisions are made. Compromises are inevitable under these circumstances. The diplomat cannot be expected to shift his position before the gaze of a public that is ever on the alert for facts out of which political capital may be made. It was alleged in behalf of the secret sessions of the "Ten" that they were acting in the capacity of a cabinet rather than a parliament. The cabinets of all countries observe some degree of secrecy.

The most substantial sources of information that the public enjoys are the periodic *communiqués* or statements to the press through the official organs of the conference. The First Hague Conference of 1899 authorized the president in his discretion to make reports to newspaper correspondents of the work of the plenary sessions and committees. Since that time the practice has been widely adopted. Recent diplomatic gatherings have been particularly prone to use this method of keeping the public informed of the progress that has been made. Article 9 of the rules of the Lausanne Conference is typical in its

[15] Baker, R. S., *op. cit.*, I, 152–53.

provision that, "The publicity of the work of the conference will be assured by the official communications prepared by the Secretary-General."[16] Where this method of maintaining contact with the outside world is utilized it is the common practice to summarize the work that has been accomplished by all of the organs of the conference, whether it be plenary sessions, committees, subcommittees, or unofficial bodies.

For some of the larger and more important international gatherings participating states have frequently appointed officials to deal with the press. At the Washington Conference on the Limitation of Armament every delegation maintained one or two such agents.[17] It is within the authority of these officials to give out whatever statements they may desire to make, though, to be sure, it is presumed that there will be no disclosure of matters of a confidential nature. Secretary of State Hughes, as presiding officer of the Washington Disarmament Conference, asserted in the course of the proceedings that it was "not the intention to confine to the Secretary-General the statements to be given out; the Delegations are free to give out what they wish privately."[18] In his opinion it was within the province of each Delegation to "explain its own position to the press," but an attempt to explain the position of another would be regarded as a serious offense.[19]

The Paris Conference of 1919 confronted a lively issue in the problem as to how it should deal with the host of energetic press representatives who continually demanded an entrée into the places where the most delicate

[16] *Documents Diplomatiques, Conférence de Lausanne,* p. 8.

[17] *Conference on the Limitation of Armament, 1921–22,* pp. 18–22.

[18] *Ibid.,* p. 566.

[19] *Ibid.,* p. 854.

questions were being decided. A part of the unpopular solution that was adopted established the common system of *Communiqués.*[20] In addition there was organized for the United States a Press Bureau, under Mr. Ray Stannard Baker, to issue statements. Some of the other delegations created similar machinery.

The most vital issue of all in regard to the system of periodic reports as a method of informing the public is that of determining how much information and what kinds of facts are to be disclosed. There should be enough to keep the people from becoming disgruntled, but not so much as to preclude compromises and agreements among plenipotentiaries with diverse opinions and interests. There was some dissatisfaction with the reports made in regard to the work of the Third Committee of the Hague Conference of 1899, and yet it was alleged by one of the conferees that were it not for some secrecy it would have been "impossible to remove some of the more serious difficulties."[21] There was a howl of disgust, especially from the newspaper men, when the first *communiqué* of the Paris Conference appeared in five brief lines.[22] On the other hand, there were a few official statements to the press revealing important differences among the Allies that undoubtedly served to intensify the difficulties of the settlement.[23] Where the public interest in the activities of a diplomatic assembly is meager, as was true at the time of the Portorose Conference of 1922, it may happen that the press does not use all the information that is disclosed to it.

[20] Baker, R. S., *op. cit.*, I, 127–40.

[21] Holls, F. W., *The Peace Conference at The Hague,* pp. 167–68.

[22] Baker, R. S., *op. cit.*, I, 139.

[23] Temperley, H. W. V., *op. cit.*, I, 255.

Probably no diplomatic gatherings have given out to the public so large a volume of information as the Brest-Litovsk Peace Conference of 1917 and the Washington Conference on the Limitation of Armament in 1921–22. At the former the persistent demand of the Russian delegates for complete publicity caused the adoption of the unique procedure of issuing daily reports of everything that had occurred.[24] On account of the manner in which Russia treated her reading public it became necessary for Germany to follow suit.

There have been varying estimates of the openness of the Washington Disarmament Conference. It is clear, however, that the official *communiqués* were considerably more detailed than those of most diplomatic gatherings. Many speeches delivered in committee found their way to the press verbatim. The smallness of the conference was a further asset to the idea of publicity, for it meant that delegation chairmen were more available and that there was little language difficulty. But the vast assortment of statements that were given over to the press served not only to enlighten the public on certain issues but also to confuse it. In fact, the history of the Washington Conference furnishes an argument in support of the conclusion that voluminous reports may direct attention away from truths and hide in a mass of details facts of tremendous significance. An editorial in *The Nation* that appeared during the sessions of the conference referred very aptly to the "mass of misrepresentation and contradiction, of guesswork and supposition, of officially inspired and personally invented opinions, in which are daily buried certain nuggets of news."[25] Even when facts are

[24] *The Brest-Litovsk Peace Conference,* p. 223.

[25] *The Nation,* CXIII, 693–94.

carefully and honestly presented there is considerable chance that a newspaper correspondent untrained in international affairs may insinuate emphases and interpretations that are at wide variance with the truth. There is danger that too much manipulated news may serve to dampen popular interest, whereas a more moderate amount of exact information would be a stimulus.

The issue of publicity in the proceedings of the organs of the League of Nations developed at the first Assembly meeting.[26] There had already been a certain amount of criticism in Europe respecting the practice in which the Council had been indulging of holding most of the discussions in secret. Consequently the stage was well set for a thoroughgoing treatment of the matter. Lord Robert Cecil appeared in the rôle of the champion of the cause of publicity, and M. Tittoni of Italy, while professing a desire to be liberal, acted as the leader of the opposition. The issue took on its most serious aspect in relation to the methods of committees of the League. The attitude of Lord Cecil was stated as follows: "The only way you can secure the support of the public opinion of the world is by taking the world into your confidence as often and as freely as possible." Later on, he continued: "I concede, everyone must concede, that a committee be entitled to sit in private, because evidently there must be many discussions which can only take place in private; but the rule, I venture to submit, should be that discussions should be held in public and that only when there is good reason should the public be excluded." The actual settlement of the matter of publicity, so far as it relates to the committees of the Assembly, provides for the publication of

[26] "The First Assembly of the League of Nations," *A League of Nations,* World Peace Foundation Pamphlets, IV, No. 1, pp. 15–25.

minutes and, as the general rule, for the admission of the public to sessions.

The Council and Assembly are empowered to determine for themselves in specific instances whether their meetings shall be open or closed. In practice, however, most of the meetings have been public, although private Council sessions are held to discuss unusually delicate matters and to deal with appointments. The minutes of the two deliberative bodies are published immediately after the termination of meetings. Consequently publicity has advanced further in the organs of the League than in the ordinary international conference.

The relation to the public of conferences that are called under the auspices of the League of Nations is similar to that of the better type of independent diplomatic gatherings. Plenary sessions are usually open under specified conditions, committee sessions are private, periodic reports of progress are made, and the minutes are published soon after final adjournment.[27]

The publication of the *procès-verbaux* of an international conference is rarely undertaken until the sessions have come to an end. There may be earlier reports to the press that contain verbatim records of speeches and excerpts from the debates, but the main body of the official minutes is withheld until a later date.

The proceedings of some of the more secretive gatherings, such as the Paris Conference of 1919, have never been disclosed in their entirety. The minutes of the principal sessions of conferences less opposed to measures of publicity, on the contrary, have been made available soon

[27] *Monthly Summary of the League of Nations,* Vol. V, No. 5, p. 126, dealing with the Conference for Control of International Trade in Arms, Munitions, and Implements of War.

after the termination of the deliberations. The Washington Conference on the Limitation of Armament was a model as to the prompt availability of its records. In view of the measures of secrecy which a well-regulated conference must employ for the success of its work, there is much to be said in favor of the immediate publication of the proceedings. Public opinion at this stage would not be influential nor obnoxious to plenipotentiaries, for the period of agreement-making has ended. If there have been compromises, the public may consider them more dispassionately in their proper setting as parts of a complex whole. The chief obstacle to the publication of the official records is the fear of diplomats that bad or disgraceful bargains will come to light. Refusal to publish the proceedings is, in fact, some justification for a suspicious attitude on the part of the public.

The rule of equality.—The methods of voting that are used by an international conference derive their importance from the fact that they imply a certain distribution of power. The decisions which are made by a gathering of diplomats may be far-reaching, and consequently the extent to which participating states can share in the process of making them is a matter of the utmost concern.

Two doctrines of international law have been applicable in the procedure of conferences. It is held that states are at once equal and sovereign. In the case of "The Antelope" Chief Justice Marshall said, "No principle of law is more universally acknowledged than the perfect equality of nations; Russia and Geneva have equal rights."[28] It would seem to follow from such an assertion

[28] *The Antelope* (1825), 10 Wheaton 66, 122. On the equality of states in international law, see also Dickinson, E., *Equality of States in International Law,* and Wilson G. G., *International Law,* eighth edition, chap. x.

that states should have equal rights in international organization. Similarly, writers on international law have often so defined sovereignty and independence that the requirement of unanimity for any concerted action would necessarily follow. Laurence, for instance, defines independence as

> the right of a state to manage all its affairs, whether external or internal, without interference from other states, so long as it respects the corresponding right possessed by each fully sovereign member of the family of nations . . . . this right of independent action is the natural result of sovereignty; it is, in fact, sovereignty looked at from the point of view of other nations.[29]

If these doctrines of international law were applied rigorously to the organization and methods of a conference, all participating states would have equal representation both at the plenary gathering and in committees, the voting power of all would be equal, and, finally, any nation might veto a proposed action to which it is opposed. As a point of fact, there has been no implicit obedience to the theories of equality and sovereignty in the methods of the international conference. While at some points they have been applied, at others they have been disregarded for the sake of greater convenience.

From the discussions of earlier chapters it has already been made clear that inequality of representation, both in full conference and in committees, is quite common. The idea of state equality as applied to voting power has also been violated by several devices and arrangements, though probably less openly and frequently.

[29] Laurence, T. J., *International Law*, p. 111. See also Bluntschli, J. K., *Le Droit international, etc.* (1868), p. 506, and Wheaton, H., *Elements of International Law* (1866), p. 32.

The most obvious use of inequality in the process of forming final decisions has been in the conferences of some of the public international unions, where states have been classified and an unequal number of votes has been assigned to each class.[30] The great majority of administrative unions, to be sure, still follow the principle of "one state, one vote" in the procedure of their deliberative assemblies.[31] The willingness of small states to become members of an organization in which their authority is admittedly inferior to that of large nations may be explained in large part by the nature of the subject-matter which comes under discussion. These bodies deal primarily with non-political issues; questions of an economic nature are most common, and in such matters the interests of the states most highly developed commercially are clearly dominant.

Most independent conferences which bear no relationship to permanent international organizations provide in their rules of procedure that the voting power of all states shall be equal. For instance, Article 9 of the rules of the Conference on Central American Affairs stated that, "The delegates of each republic shall have one vote."[32] The text of the invitations that were issued by the Netherlands to attend the First Hague Conference asserted that "each power, whatever may be the number of its delegates, will have only one vote."[33]

While such a provision is theoretically the rule of independent conferences, in fact there is a tendency to weigh votes according to the actual importance of states. With

[30] Bridgman, R. L., *The First Book of World Law,* p. 250.

[31] *Ibid.,* p. 262.

[32] *Conference on Central American Affairs, 1922–23,* pp. 112–14.

[33] Scott, J. B., *The Hague Peace Conferences,* I, 47.

reference to the Hague Conferences, Mr. James Brown Scott writes as follows:

> As international law is based upon the legal equality of states, it necessarily follows that each state has an equal vote. . . . . While, therefore, the conference admits the equality of nations, and while each nation thus responds to the roll-call, Montenegro and Luxemburg influencing the vote as profoundly as Russia and Germany, the support of the larger nations is necessary in order to give international force and effect to a proposition before it. For example, the attitude of Great Britain in maritime law is controlling. In other words, equality of votes is not equality of influence. . . . . It is abundantly clear, therefore, that the delegations at The Hague did not and could not possess equal influence in framing the conventions.[34]

At the Washington Conference on the Limitation of Armament in 1921–22 the influence of England and the United States, the two principal maritime powers, was clearly in excess of that of the other states in regard to questions of naval preparedness. Evidence is not lacking that mere equality of voting power does not prevent inequality of actual control.[35]

The organization of the League of Nations involves a compromise with the doctrine of equality, similar in its nature to the "Connecticut Compromise" of the American Constitutional Convention of 1787, which provided a bicameral legislature to give equal voting power to the states in one house, while in the other representation according to population was to be the rule. The Council of the League is made up of a limited number of the states. In

[34] Scott, J. B., *The Hague Peace Conferences,* I, pp. 37 and 165.

[35] See Satow, Sir E., *Congresses and Conferences,* p. 2, and Potter, P. B., *Introduction to the Study of International Organization,* p. 332.

practice, it has been composed in the main of large powers, five of which are guaranteed permanence of tenure. The Assembly, on the other hand, contains representatives of all nations which are members of the League. The effect, therefore, is to place the states that are members of the Council in a stronger position than that of countries which have delegates in the Assembly only. Within each of the two bodies, considered separately, the rule of equality holds. At the first Assembly meeting of the League of Nations in 1920, M. Hymans made the following statement:

> One of the features of the Assembly has been the recognition of the equality of states. It is a feature to which we must draw attention, the more particularly because we are emerging from a period which is still very recent when a strange and artificial distinction was drawn between the states which were called states with limited interests and those which were called states with general interests. The interest of humanity and the interest of the world is a general interest. The small states, whatever the size of their territory and whatever their population, have the same interest as large states in the safety of humanity.[36]

To state briefly the situation as it exists in the League of Nations, the rule of equality is preserved only within each of the two main deliberative bodies, and is not applied to the entire organization considered as a unit.

Regardless of all theories of legal equality, it must be apparent that the rule of equality in voting is becoming more and more discredited. In fact, neither the small nor the large states have been inclined to place the general interests of humanity above their own, as M. Hymans advocated within the Assembly of the League. With the

[36] *The First Assembly of the League of Nations,* World Peace Foundation Pamphlets, Vol. IV, No. 1, p. 11.

stress upon national interests rather than upon world interests, there is reason in the position that the welfare of the large powers should have precedence over that of the small. Observers have generally agreed that the Hague Conferences of 1899 and 1907 would have achieved a greater measure of success had they not been obliged to make their decisions by the rule of equality.[37]

Assuming that inequality should prevail within an international gathering, the query naturally arises as to the basis upon which voting power shall be distributed. If the extent of territory or total population of participating states were to be the sole criterion it would follow that China would have a more favored position than Japan and that both would be better off than Great Britain. Mr. H. H. Laughlin attempted to solve the problem by classifying states on the basis of five main factors, to wit: land area potential to supporting civilization; land area actually supporting civilization; total population; population participating in the work of the world; and foreign commerce.[38] In reckoning land area he would allow a square mile of an independent state twice as much weight as a square mile of a colonial possession. This plan indicates the complexity of the problem, but does not satisfactorily solve it. The extent of a nation's interest in the business of a conference must vary with the items on the agenda. Consequently, a scheme that will be applicable to all diplomatic gatherings does not seem feasible. Where it is

[37] See "The Hague Fiasco," New York *Times*, October 19, 1907; and Hicks, F. C., "Equality of States," in *American Journal of International Law*, II, 530–45.

[38] Laughlin, H. H., "Rating the Several Sovereign Nations on a Basis Equitable for the Allotment of Representation to a World Parliament," *Scientific Monthly*, III, 579–84.

possible to devise an equitable basis for the allocation of voting power at specific conferences, it is highly desirable to do so.

Unanimous consent at international conferences.—Secretary of State Hughes stated in the opening address of the Conference on Central American Affairs in 1922–23 that, "Unanimity is a part of the consequence of the status of states in international law."[39] It may be quite natural and even logical to assert a connection between sovereignty as a theoretical concept and the rule of unanimity. In practice, however, the relationship does not consistently exist. The absolute freedom of states to determine their lines of conduct is frequently abridged, as ordinary treaties and international law bear witness.[40] The new state that is admitted to the family of nations will have applied to it rules which have been formulated without its consent and to which it may hold an active objection. The process of recognition may indicate a willingness on the part of an aspiring territory to accept the existing rules of international law as an alternative to isolation, but it can scarcely alter the fact that there has been a submission to the majority.

In the field of international organization, as in that of international law, there is no consistent adherence to the doctrine of unanimous consent. Article 30 of the Hague convention establishing the International Commission of Inquiry provides that, "All questions are decided by a majority of the members of the Commission." A similar provision is to be found in Article 78 relative to the activities of the Permanent Court of Arbitration, and in con-

[39] *Conference on Central American Affairs, 1922–23,* p. 80.

[40] Garner, J. W., "Limitations on Sovereignty in International Relations," *American Political Science Review,* XIX, 1.

formity with it the awards of the tribunal have in practice been founded upon majority action. On account of the nature of the personnel of such bodies unanimity in the settlement of a case would be highly improbable. Each party to the dispute has representatives present, who are inclined to favor their own states, and consequently a divided ballot is well-nigh inevitable, with the neutral members casting the deciding votes.

For its most important work the Permanent Court of International Justice also acts on the majority principle. Decisions of cases and advisory opinions are on such a basis, with the provision that in the event of an equality of votes the President or his deputy shall have a casting vote.[41] If there is a lack of unanimity, dissenting judges are entitled to deliver separate opinions. By allowing a quorum of nine to constitute the court when eleven judges are not available, the Statute further permits decisions without common consent.[42] The choice of the officers of the Court and of assessors for the Labor Chamber is also by the majority rule.[43] Where unanimity is required it is only to insure the independence of individual judges, as, for instance, the rule that no one of them may be dismissed except by common agreement of the others.[44]

In international conferences states have been less willing to disregard the rule of unanimous consent than they have in arbitral and judicial machinery. Prince Bismarck stated at the Congress of Berlin in 1878 that, "It is incontestable that the minority in the Congress shall not be bound to acquiesce in the vote of the majority."[45] The

[41] See Statute of Court, etc., Articles 55 and 57.

[42] *Ibid.*, Article 25. [43] Rules of the Court, Articles 7, 9, 17.

[44] Statute of the Court, Article 18.

[45] *The Congress of Berlin,* Peace Handbook, No. 154, p. 29.

rules of the Conference on Central American Affairs in 1922–23 provided that, "The resolutions of the conference shall be adopted unanimously."[46] The proposed conventions of nearly every nineteenth-century international conference that included representatives from a considerable number of states have been dependent upon the signatures of all diplomats present.[47] From these facts it may be observed that in the formation of final decisions the rule of unanimous consent has been quite generally accepted, at least in ordinary conferences that are not related to permanent organizations. There have been but few exceptions to the application of the doctrine to major decisions. A notable deviation from the regular practice occurred at the Congress of Berlin in spite of the above-mentioned statement of Prince Bismarck, the presiding officer of the gathering. The Turkish representatives objected to the settlement proposed for Bosnia and Herzegovina, alleging that their instructions would not permit them to agree to it.[48] Bismarck ruled, however, that the proposal was adopted, and announced his certainty that the Turkish Government would send fresh instructions. With the statement that *"le protocole reste ouvert pour les*

[46] *Conference on Central American Affairs, 1922–23,* p. 114, Rule 10.

[47] See Satow, Sir E., *Diplomatic Practice,* II, 101–6, 111–12, 114–16, 117–18, 123–24, 132–34, 136–38, 138–47, for use of rule of unanimity on following conferences: Conference on Belgian Affairs (1830–31); Conferences for Pacification of Syria (1860–61); Conference for Redemption of Scheldt Dues (1863); Conference on Affairs of Denmark (1864); Conference Relative to Use of Explosive Bullets in War (1868); Conference of Brussels on Rules of Warfare (1874); Conference on Navigation of Danube (1883); Conference Respecting Affairs of Africa (1887); and other similar conferences.

[48] *The Congress of Berlin,* Peace Handbook, No. 154, pp. 29–30.

recevoir," the discussion was terminated. The resolution relative to the Chinese Eastern Railway adopted at the Washington Conference on the Limitation of Armament in 1921–22 did not have the consent of the Chinese delegates.[49] The Peace Conference at Paris in 1919 subscribed to the Treaty of Peace without the signature of the Chinese plenipotentiaries.[50]

In decisions of less importance the rule of unanimity is frequently disregarded in the procedure of international conferences. The Second Hague Conference of 1907 agreed that a majority vote would entitle a proposal to be recorded as part of the proceedings.[51] This arrangement could in no wise affect the final work of the organization, but it had the limited merit of permitting states to make their positions clear before the eyes of the world. Other matters of procedure have also been exempted by diplomatic gatherings from the regular requirement. The Geneva Conference of 1868 ruled that a mere majority vote would entitle a measure to be brought up for discussion, though unanimity would be required for final adoption.[52] Still another method of deviating from the usual practice has been to allow the plenipotentiaries of conferences to sign with reservations the Final Acts, which are mere summaries of the proceedings and are not conventional agreements requiring ratification. The Swiss delegation at the Second Hague Conference made a reservation at the time of the signature relative to *Vœu* No. 1, which the Federal Council of Switzerland would not ac-

[49] *Conference on the Limitation of Armament, 1921–22,* pp. 278–395.

[50] Temperley, H. W. V., *A History of the Peace Conference of Paris,* Vol. I, see p. 390, notes. China later arranged to sign.

[51] Satow, Sir E., *Diplomatic Practice,* II, 157.

[52] *Ibid.,* II, 126.

cept.[53] On account of the nature of the contents of the Final Act, this practice could scarcely be objectionable from any point of view. While a committee of the whole regularly uses the rule of unanimous consent it may happen that other committees are allowed to make their recommendations on the basis of a majority vote.[54]

Provisions that are often found in the rules of a conference permitting a quorum to do business involve a form of majority control. In the general assembly of the International Institute of Agriculture it is stipulated that two-thirds of the total membership constitutes a quorum.[55] The General Conference of the International Labor Organization has provided in Article 16 of its rules that "a vote is not valid if the number of votes cast is less than one-half the number of delegates officially inscribed and having the right to vote."[56] There are several possible results that may follow from this practice. On the one hand, it may happen that absence from a meeting which one is entitled to attend is meant to be the equivalent of consent to whatever actions are taken. The possibility of such an intention is increased by the fact that an agenda of the business to be taken up is generally in the possession of member states, and they are therefore able to know in advance whether the subjects to be discussed are ones on

[53] Scott, J. B., editor, *The Hague Conventions and Declarations of 1899 and 1907,* pp. 39–40.

[54] For the Committee of the Whole at the Conference on Central American Affairs in 1922–23, see *Conference on Central American Affairs, 1922–23,* p. 114. The committees of the Hague Conferences of 1899 and 1907 made recommendations upon the majority basis. See *Proceedings of The Hague Conferences,* edited by Carnegie Endowment for International Peace, Division of International Law.

[55] Reinsch, P. S., *Public International Unions,* pp. 152–53.

[56] *Fourth International Labor Conference,* I, 521.

which they care to register a vote. There are other circumstances, however, where the quorum provision may involve a definite application of majority action. There may be justifiable reasons for absence, such as remoteness or expense. States which are members of the International Labor Organization have failed occasionally to send representatives for reasons of that sort. In such instances there is in the interest of convenience a definite breach of the rule of unanimity.

In the machinery of the League of Nations unanimity is ordinarily the rule, but the Assembly may depart from it in seven types of questions.[57] There are thirteen classes of questions in regard to which the Council may arrive at decisions by majority action.[58] For the most part the exceptions that have been created to the rule of unanimous consent embrace such matters as the election of officers, the settlement of disputes, methods of procedure, and the administration of territory. They are affairs where delay would cause annoyance and vital interests are not concerned.

[57] Williams, Sir J. F., "Unanimity and the League," *American Journal of International Law,* XIX, 475–88. The following questions are subject to majority action: (1) election of non-permanent members of the council; (2) election of judges of World Court; (3) election of new members of the League; (4) approval of additional Council members; (5) choice of secretaries-general; (6) reports on disputes; (7) questions of procedure.

[58] *Idem.* The Council acts by the majority rule in the following cases: (1) questions of procedure; (2) settlement of disputes; (3) questions relating to the Saar; (4) military control of defeated powers; (5) Albanian independence; (6) Aaland Islands convention; (7) protocols relating to the financial reconstruction of Hungary and Austria; (8) Memel; (9) The Greek Refugee Settlement Commission; (10) the Oriental Railway; (11) Germany's obligations toward allied nationals; (12) changes in the provisions of minority treaties; (13) decision as to the revision of the Arms Traffic Convention.

The results of the rule of unanimity in international conferences have not been reassuring. It has proved to be highly dilatory in some cases and intolerably obstructive in others. Sir Edward Fry, a British delegate at the Second Hague Conference, commented unfavorably upon the practice, regarding it as a handicap to effective action. He suggested that the next conference at The Hague rid itself of the encumbrance.[59] At the first Hague gathering in 1899 the Roumanian vote alone defeated the original plan for a commission of inquiry operating upon a compulsory basis.[60] In other instances where conferences have subscribed to the rule of unanimity in principle its application has been distorted by a weighing of the votes of dissenting nations, and, where feasible, agreeing upon a course of action in spite of a small amount of opposition, leaving the obstructing states to decide for themselves whether they will fall in line or discontinue their participation.

It is comparatively easy to discover the abuses and difficulties that go with the requirement of general consent at international conferences, but it is not so simple to devise an alternative. An agreement adopted by the rule of the majority in opposition not only to the will of individual delegates but also to their instructions would stand small chance of a general ratification later by the governments represented. Consequently, if a proposal be of such a nature that to be effective it must be adhered to universally, the rule of unanimity at an international conference provides a short-cut means of disposing of it, saving the time which would otherwise be consumed by

[59] Woolf, L. S., *International Government,* p. 58.

[60] Scott, J. B., *The Hague Peace Conferences of 1899 and 1907,* I, 309–10.

national governments in considering ratification. On the other hand, international organization has not arrived at the stage where participating states will send representatives to conferences without instructions and with the understanding that majority decisions binding upon the governments concerned may be imposed. The majority principle might be utilized to advantage in connection with proposals whose effectiveness would not be vitiated by a lack of general application, but unfortunately most of the projects submitted at conferences are not considered to be of that type. The element of competition will not often permit a state to be exempt from the jurisdiction of a rule or from participation in a common action without probable objection from the remainder of the group.

In practice, the rules of equality and unanimous consent are applied in conferences of nations primarily for the purpose of effecting a certain distribution of power. In the interest of convenience both have been waived in numerous connections. The efficacy of the conference method might be further increased by a complete denunciation of them, but no such program can be achieved without a redistribution of authority, which would be unacceptable. The most that can be expected is that states will agree to occasional applications of inequality and majority action where it is possible without sacrificing vital interests. Any disregard of the ancient rules, however, should meet the acquiescence of all participating states. There is no virtue in the forced abandonment of the older methods of procedure which a few powerful nations superimpose upon the others. The unequal powers of the states within peace conferences may be justifiable, but the process by which the inequality is attained deserves condemnation.

The language problem.—From the fact that an international conference is primarily a deliberative body it follows that a general understanding of the discussions is essential. Consequently a gathering that contains the representatives of diverse linguistic systems faces the task of establishing the means for an adequate exchange of ideas with a maximum degree of accuracy and a minimum amount of inconvenience. The problem is further enhanced by reason of the fact that the different national groups are anxious to win a place for their respective tongues, both on account of the prestige that is entailed and for the sake of the advantage which their delegates may derive in the discussions.

Until recently French was considered to be the language of diplomacy, and therefore was the authoritative medium of communication within the halls of international conferences. It took the place of Latin about three centuries ago. In his "Essay toward the Present and Future Peace of Europe," written in 1693, William Penn carefully examined the relative merits of Latin and French and concluded that the former "would be very well for civilians," but the latter "most easy for men of quality."[61]

International conferences that were held in the early part of the twentieth century, before the opening of the World War, consistently followed the practice of eighteenth- and nineteenth-century gatherings and recognized French as the official language. The Treaty of Portsmouth, formed at the end of the Russo-Japanese War in 1905, was published in duplicate copies of French and English, but with the provision that the French version should be authoritative.[62] Both the Hague Conference of

[61] York, E., *Leagues of Nations,* p. 139.

[62] Satow, Sir E., *Congresses and Conferences,* p. 161.

1899 and that of 1907 stipulated that French be regarded as official.[63] It was the general practice that a delegate to a conference might speak in his own native language if he preferred, but it was incumbent upon him to make suitable arrangements for the translation of his discourse into French. Article 4 of the rules of the London Naval Conference provided that, "The French language is recognized as the official language for the deliberations and acts of the conference; speeches in another language will be orally summarized in French."[64] Even in the conferences of limited groups of countries which did not include French-speaking states, the accepted language of diplomacy had achieved wide recognition. The first International American Conference employed Spanish and English upon the basis of equality, but their later meetings have provided for the use of French, Spanish, English, and Portuguese both in discussions and for the recording of minutes.[65] The only advantage which appears to have been given to Spanish and English is that the minutes which are kept in the archives must be drawn up in those two tongues.

Since the World War the supremacy of French as the language of diplomacy has been challenged. Even before the Paris Peace Conference of 1919 began its regular sessions the "battle of the languages," as Ray S. Baker calls it, had opened within the more limited group of the representatives of the five Allied and Associated Powers.[66]

[63] Scott, J. B., *The Hague Peace Conferences of 1899 and 1907,* I, 123.

[64] Satow, Sir E., *Congresses and Conferences,* p. 130.

[65] See *International American Conference,* I, 55–59, and *Third International American Conference,* pp. 11–15.

[66] Baker, R. S., *Woodrow Wilson and the World Settlement,* I, 202–8.

The occasion for the controversy was Section 8 of the French Plan for Peace, which proposed that French be regarded as the official language of the treaty. M. Pichon supported the suggestion with the arguments that the language of his nation had attained a recognized position in the diplomacy of the past and that it was not intended to prohibit the use of other tongues in the discussions. Mr. Lloyd George and Mr. Wilson insisted that English was more practicable in view of the fact that a larger number of participants in the conference used it. M. Sonnino of Italy took the position that it would be preferable to have French made authoritative, but if any second language were made official, Italian should be accorded a similar status. On the basis of these general attitudes several specific projects were presented. M. Clemenceau wisely pointed out that if such import were attached to trivial matters there could be small hope for the success of the conference on vital questions. As it was finally settled, English and French were both made official and "authentic." In practice the discussions of the conference involved a greater use of English than of French on account of the fact that three of the leaders of the conference, Mr. Wilson, Mr. Lloyd George, and M. Clemenceau, could use it with facility. On the whole, the Paris Peace Conference added greatly to the prestige of the English tongue.

Since 1919 international conferences have usually established two or more official languages. The Lausanne Conference made use of English, French, and Italian upon the basis of equality.[67] At the Washington Conference on the Limitation of Armament the official languages[68] were

[67] *Documents Diplomatiques, Conférence de Lausanne,* p. 2.

[68] *Conference on the Limitation of Armament,* p. 48.

French and English. Article 10 of the rules of the Genoa Conference of 1922 placed Italian, French, and English upon a plane of equality and also made the following statements which are typical of the regulations when several languages are admitted:

> Speeches delivered in one of these three languages will be translated into the other two by an interpreter attached to the Secretariat.
>
> Any delegate speaking in another language will have to make provision for the translation of his speech into Italian, French, or English.
>
> All documents, proposals, and reports communicated to members of the conference by the President or by the Secretariat will have to be drawn up in Italian, French, and English.
>
> Any delegate will be entitled to distribute documents written into other languages than Italian, French, or English, but the Secretariat will not be required to provide for their translation and printing.[69]

At recent conferences that have contained no French-speaking delegates the former language of diplomacy has often been given no official recognition. English and Spanish were the official languages of the Conference on Central American Affairs in 1922–23.[70]

The language problem developed at the first Assembly meeting of the League of Nations. The first committee of the Assembly on General Organization was designated to deal with the matter. The main difficulty with which they had to contend was the insistence of the Spanish-speaking countries upon the admission of Spanish as one of the official languages of the League of Nations.[71] In

[69] Mills, J. Saxon, *The Genoa Conferenee,* p. 80.

[70] *Conference on Central American Affairs, 1922–23,* p. 26.

[71] *First Assembly of the League of Nations,* World Peace Foundation Pamphlets, Vol. IV, No. 1, pp. 27–29.

part, the report of the committee, which is the basis for the present practice, is as follows:

> A very delicate and important question has been raised with reference to the languages used by the League. Our Spanish-speaking colleagues both in Europe and America are justifiably proud of the intellectual and economic expansion of their race throughout both continents, and have requested that their tongue should be used on equal terms with French and English, which are now in use in the League. No one can raise any objection to their wishes or hopes except in so far as they bring us face to face with practical difficulties which to us seem very serious. . . . . Your committee, being animated by the principle of absolute impartiality, has, however, felt the force of practical requirements, and has recognized that its duty was to provide the members of the Assembly with the requisite means of understanding one another, of discussion and of deliberation. From this standpoint no one can gainsay that there are two languages in the world which are in general use in intellectual and economic intercourse between nations, languages which obtained official recognition from the fact that the Covenant and the Treaty of Versailles were drafted in French and English.[72]

While French and English alone are recognized as official languages of the League of Nations, the rules allow every representative to speak in whatever tongue he may prefer, furnishing either a French or an English translation. The publications of the League are printed only in French and English, but any member state is allowed, at its own expense, to translate and circulate the documents in its own language.

The problem has arisen in other international organs than the conference. The committee of jurists that was delegated to draft the statute for the Permanent Court of International Justice was confronted with the task of reconciling the conflicting claims of English, French, and

[72] *Idem.*

Spanish.[73] Their decision was favorable to the use of French alone. The Council of the League of Nations reopened the issue, however, and after a prolonged argument provided by resolution that English and French be placed upon a basis of equality, each having an official status.[74] The incident was a second decisive loss for the Spanish-speaking countries.

The practice, that has become current, of admitting several languages on the plane of equality in international gatherings has the advantage of being an acceptable compromise which may allay at least temporarily a subject of dispute. Beyond that there is little that can be said in its favor. Its practical value in affording a better means of mutual understanding is negligible, for when only one official language is prescribed the rules generally permit the use of any other tongue in discussions, providing translations are made and given to other delegates. In fact, to give an official status to several tongues may aggravate the confusion. M. Bourgeois argued rationally in the Council of the League of Nations that the advantage of only one official language is the provision for one authentic text and the preclusion of any dispute that might arise out of conflicting statements.[75] M. Hymans called attention on the same occasion to the inconveniences in Belgium that develop from the bilingual system of that country. At the Lausanne Conference Lord Curzon pointed out that three official languages necessitated a larger amount of translating than would attend the use of only one official tongue, and that consequently the time of the conference was wasted.[76] In the interest of confer-

[73] De Bustamante, A. S., *The World Court,* p. 106.
[74] *Idem.* [75] *Idem.*
[76] *Documents Diplomatiques, Conférence de Lausanne,* p. 2.

ence efficiency it is clear that only one language should be accorded an official status.

It is probable that each of the three main tongues that are contending for recognition possesses merits that under the proper conditions should be utilized. In conferences that are composed in the main of Spanish-speaking delegates, the work would be facilitated by the adoption of Spanish as the official language. For more general conferences comprising delegates from all of the principal states of the world, there is still much to be said in favor of the use of French. As M. Clemenceau pointed out at the Paris Conference of 1919, French is somewhat more precise and less apt to involve ambiguities than are the other contending languages.[77] Furthermore, it is still the language in which members of the foreign service staffs of the important nations of the world specialize.[78] There may be occasions when English is more usable than French, such as the sessions of the "Five" and the "Four" at the Paris Peace Conference, but often it is not.

It is interesting to note, at this point, the attention that has recently been given to Esperanto, a synthetic international language based upon elements common to all European tongues. The Third Assembly of the League asked the Committee on Intellectual Co-operation to make a study of this language. They reported it to be impracticable, and suggested that the problem would be better solved by the encouragement of the study of national tongues and modern literature.[79]

[77] Baker, R. S., *op. cit.*, I, 204.

[78] See statement by Professor V. E. François on the use of French in diplomacy, *Bulletin No. 27, Bureau of Education, Department of the Interior,* p. 127.

[79] *Supplementary Report to the Fourth Assembly of the League* (August 27, 1923), p. 45.

Chapter X—THE LIMITATIONS OF THE INTERNATIONAL CONFERENCE

That a general attitude of confidence in the efficacy of the international conference has been developing during the past century is clearly manifest. Attention has already been directed to the large number of meetings which nations have convened. Still more convincing is the long and varied list of subjects with which they have dealt, embracing legal, social, and economic matters, as well as the settlement of disputes and the arrangement of the terms of peace treaties. Furthermore, the method of the conference has been recognized in the organs of permanent international institutions, of both a public and a private nature.

A mistaken opinion is often held by the casual observer of events that to schedule a meeting of diplomats is to solve whatever issue may be at stake. The irrationality of such an attitude should be apparent from the fact that many conferences fail to accomplish their avowed purposes, or, worse than that, produce results of a negative order. The Genoa Conference of 1922 not only failed to revive the economic structure of Europe, but actually presented an opportunity for the undesired *rapprochement* between Germany and Russia.[1] The work of the Paris Peace Conference has been severely criticized in many of its major aspects.[2] Even the Washington Conference on the Limitation of Armament in 1921–22, with several ac-

[1] Mills, J. Saxon, *The Genoa Conference,* pp. 88–100.

[2] For authoritative opinions regarding the work of the Paris Peace Conference, see: Temperley, H. W. V., *A History of the Peace Conference at Paris,* 4 Volumes; Tardieu, A., *The Truth about the Treaty;* Baker, R. S., *Woodrow Wilson and the World Settlement,* 3 volumes; House, E. M., and Seymour, C., *What Really Happened at Paris;* Lansing, R., *The Peace Negotiations.*

complishments to its credit, was unable to deal effectively with certain items that had been given a place on the agenda. Nothing whatever was done with the questions of land armament and Siberia, and only ineffective arrangements were devised for China's open door and territorial integrity. Differences of opinion have been current relative to the degree of success achieved by the Washington Conference in its treatment of other items of the agenda.[3] The conferences that have taken place under the auspices of the League of Nations have been variously estimated. The conference on Customs Formalities in 1923 and the Brussels Financial Conference of 1920 are among those that have been considered most successful; the results of the Opium Conferences of 1924 have not been entirely satisfactory.[4]

The international conference is a specialized mechanism. It is not fitted for all kinds of tasks. In the frequent recourse to it which states have taken there is a possibility that the conference method has been strained beyond its normal usefulness. To be sure, the failure of many diplomatic gatherings has been on account of defects of organization. The instructions to delegates have been inflexible; the "experts" chosen were of dubious quality; or secrecy was not preserved at points where the reconciliation of differences of opinion was necessary.

[3] See Buell, R. L., *The Washington Conference,* chapters v–x; also Villard, O. G., "The Arms Conference: Its Balance Sheet," *The Nation,* CXIV, 184–85; and "The Net Results of the Washington Conference," *Current Opinion,* LXX, 291–93.

[4] In regard to these conferences see *Handbook of the League of Nations,* World Peace Foundation Pamphlets, Vol. VII, Nos 3, 4, pp. 215, 218, 224. For the Opium Conferences see Buell, R. L., *The International Opium Conferences,* World Peace Foundation Pamphlets, Vol. VIII, Nos. 2, 3. For the Chinese attitude toward the Opium Conferences, see Sze, S. A., *Geneva Opium Conferences.*

There are many errors which may be committed in the organization and methods of conferences that will operate with disadvantage. Over and above these there are some inherent limitations of a diplomatic assembly which have also resulted in a failure to accomplish the purposes pursued. The conference is not an isolated organ of internationalism, sufficient unto itself, but only a part of a complicated system of theory, law, and practice into which it must fit and by which it may be restricted.

The deliberative character of conferences. — The modern international conference is primarily a deliberative body. Most of the visionary proponents of peace during the seventeenth, eighteenth, and nineteenth centuries contemplated world congresses whose functions would be at once legislative, executive, and judicial within a limited area of jurisdiction. There seemed to have been among such authors as William Penn, the Abbé Saint Pierre, and Jeremy Bentham a notion that in the interests of universal peace there should be some permanent Diet with duties which they vaguely described as embracing the prevention and settlement of disputes.[5] The suggestions of the Abbé Saint Pierre refer in Article 11 to the Senate's function of deliberating "upon anything pressing and provisionable for the security of society," and in Article 8 to the "arbitral judgments" which the organization would be expected to make. In practice, however, it has become the general rule that international congresses or conferences are confined to deliberative activities. If disputes are settled by a conference, it is only through the reconciliation of differences and not by arbitral or judicial processes. When the enforcement of decisions or obligations is brought to the

[5] York, E., *Leagues of Nations, Ancient, Medieval, and Modern,* pp. 115, 170, 280.

attention of such a gathering it is for the purpose of considering a common course of action and not to set in motion international machinery over which the conference, as such, has authority. The Supreme Council of the Allies, which met on several occasions to consider the problem of enforcing the terms of the Treaty of Versailles, had no means of pressure which it could command in its capacity of a conference, but was obliged to rely on the executive organs of the participating states.[6] The Council of the League of Nations under Article 10 of the Covenant may only "advise" as to the means by which member states shall discharge their obligations of supporting the territorial integrity and political independence of each other against aggression. The right to recommend action to independent states could scarcely be considered an executive function.

In its deliberative capacity an international conference has much positive value. It affords an opportunity for negotiation and compromise which is clearly superior to the methods of ordinary diplomatic intercourse. Mr. Lloyd George, a staunch believer in the conference idea, and a man who has been active in many gatherings, stated his convictions in 1923 before the National Liberal Council as follows:

> There is only one way to effect a gradual improvement and ultimately reach the goal, and that is by insisting on bringing the nations to the test of reason and not of force. How are you to do that? By insisting on meeting, discussing, reasoning—let us say the word, conferring. . . . . There are those who would go

[6] *The Supreme War Council,* World Peace Foundation Pamphlets, Vol. I, No. 7, p. 347. Article 2 of the Rapallo Agreements reads as follows: "The Supreme War Council has for its mission to watch over the general conduct of the war. It prepares recommendations for the decisions of the governments, and keeps itself informed of their execution and reports thereon to the respective governments."

back to the old diplomacy, who say: "Let us get rid of conferences, let us exchange dispatches and letters." What happens? Each party states its own point of view. Instead of bringing parties nearer, it too often hardens them in their convictions. You cannot have it out with a letter. You cannot argue with a dispatch. You cannot reason with a diplomatic message. Come face to face![7]

It would be futile to deny that the international conference offers, through its deliberative processes, an opportunity to dispose of a matter of common concern with more rapidity and directness than can be achieved through other channels.

While an international conference is well fitted to allow an exchange of ideas, it is distinctly limited as a mechanism for formulating conclusions or making decisions. In general, a diplomatic gathering possesses the major restrictions of a legislative body, and in addition, some that are peculiar to itself. These natural handicaps have not been apparent to an equal degree for all assemblies of diplomats; differences in size and composition frequently tend to accentuate or to diminish existing obstacles.

The difficulty of treating emergency situations.—In the first place, an international conference is not readily adapted to deal with situations of an emergency nature. Its machinery does not go into operation automatically except in the case of the conferences related to permanent international organizations. The first exchange of notes in regard to the calling of the Algeciras Conference occurred on July 8, 1905, but it was not until January 16, 1906, that the opening meeting took place.[8] The early

[7] Mills, J. Saxon, *The Genoa Conference,* pp. 27–29, quoted from the speech.

[8] Satow, Sir E., *Congresses and Conferences,* p. 48, and *Diplomatic Practice,* II, 153.

negotiations for the Hague Conference that began its sessions on May 18, 1899, were begun on December 30, 1898.[9] Approximately three months elapsed between the decision of the Supreme Council at Cannes in 1922 to hold a conference at Genoa and the opening of the first session.[10] From three to six months have been required quite generally to accomplish the numerous preliminary arrangements which are unavoidable when a gathering is comprehensive in membership. Smaller groups, such as the Allied Supreme Council, have been able to meet upon comparatively short notice. By the terms of the Rapallo Agreement of 1917 it was provided that, "The meetings of the Supreme War Council will take place at least once a month."[11] In fact, the small size of the group made the time and place of the meetings easily adjustable, so that but a few days' notice was necessary. Theoretically, conferences that are related to permanent international organizations should be more readily convened than independent gatherings, on account of the fact that machinery is available to summon them and take care of the details of the arrangements.

In practice, the Council of the League of Nations is brought together with greater ease than the Assembly. It may be called on the demand of any state represented in the organ or by three other members of the League, acting through the Secretariat. On August 12, 1921, Viscount Ishii, President of the Council, issued a notice of an ex-

[9] Satow, Sir E., *Diplomatic Practice,* II, 145–46.

[10] Mills, J. Saxon, *The Genoa Conference,* pp. 9, 45. The action of the Supreme Council was on January 6, 1922, and the first plenary session was on April 10.

[11] *The Supreme War Council,* World Peace Foundation Pamphlets, Vol. I, No. 7, p. 347, Art. 8.

traordinary session to occur on August 29 for the purpose of dealing with the Upper Silesian dispute.[12] On other occasions special meetings have been arranged within a period of two weeks.[13] The sessions of the Assembly, with its larger and consequently more unwieldy membership of approximately one hundred and fifty delegates, are not so easily called. By Article 3 of the rules of the Assembly the process is as follows:

> The sessions of the Assembly shall be summoned by the President of the Council, acting through the Secretary-General. The summons shall be addressed to the members of the League not less than four months before the date fixed for the opening of the session. In exceptional circumstances, however, the Council, by a majority vote, may sanction a shorter period.[14]

The special session of the Assembly that convened on March 8, 1926, for the purpose of acting upon the request of Germany for admission to the League, was authorized by a vote of the Council taken twenty-four days earlier.[15]

In other ways the conference method has shown itself to be slow and cumbersome. The deliberations, though varying widely for different gatherings, consume a considerable period of time. The Conference on Central American Affairs that opened in Washington on December 4, 1922, did not come to its final session until February 7, 1923.[16] The First Hague Conference of 1899 occupied

[12] *Political Activities of the League of Nations,* Information Section, League of Nations Secretariat (Geneva, 1925), p. 47.

[13] *Ibid.,* pp. 64–65.

[14] *The First Assembly of the League of Nations,* World Peace Foundation Pamphlets, Vol. IV, No. 1, p. 32.

[15] *Seventh Yearbook of the League of Nations,* World Peace Foundation Pamphlets, Vol. X, Nos. 2, 3, p. 146.

[16] *Conference on Central American Affairs, 1922–23,* p. 1.

approximately two months and a half, while the second gathering of 1907 lasted a little over four months.[17] The sessions of the Assembly of the League of Nations have taken from ten days to one month for their work.[18] Smaller conferences which have met periodically, such as the Supreme Council and the Council of the League, have ordinarily been able to complete the work which has called them together in two or three days.[19] They have several pronounced advantages. The language difficulty, which in larger gatherings must involve some delay in spite of a corps of interpreters and translators, is minimized in a group of five or ten plenipotentiaries. The use of English by the "Big Four" of the Paris Peace Conference affords a striking example of the way in which a small number of diplomats may be able to agree on a common language. The small conference has the further advantages of being able to operate with simpler forms of organization that may be readily devised and of possessing a greater mobility in regard to the time and place of meetings.

It follows from this slow-moving nature of the international conference that it is ordinarily ill-fitted to deal with emergency situations where immediate action is imperative. From this point of view one could not expect that a pressing international dispute would receive adequate treatment at the hands of a special conference. It has been stated that, "If there had been a conference in

[17] *The Record of The Hague,* World Peace Foundation Pamphlets, Vol. IV, No. 6, Part 3, pp. 4–5.

[18] *Monthly Summary of the League of Nations,* Vol. VI, No. 3. The special session of 1926 lasted ten days. For ordinary session, see *Handbook of the League of Nations, 1920–23,* World Peace Foundation Pamphlets, Vol. 5, No. 4, p. 231.

[19] See *The Supreme War Council,* World Peace Foundation Pamphlets, Vol. I, No. 7, pp. 380–81, for sessions of the Supreme Council.

1914 in July there would have been no catastrophe in August—it would have been impossible."[20] The statement places an unwarranted confidence in deliberative bodies. In the first place, it would have been impossible to convene a special conference as early as July 1914, for the imminence of war had just become apparent; in the second place, assuming that a conference had been possible, it is questionable whether it would have acted with sufficient dispatch to forestall the natural trend of events.

The Covenant of the League of Nations gives the function of dealing with international disputes to both the Council and the Assembly.[21] The former is much better adapted to the task on account of its small membership and the greater informality of its methods. Consequently, the Council has been the more active body. It is interesting to observe that for the disputes that have come within the jurisdiction of that organ adequate solutions have not always been made. The Polish-Lithuanian disagreement in regard to Vilna was turned over to the Council in September, 1920, and engaged its attention periodically until the beginning of 1922, when a questionable settlement was made by the Allied Supreme Council.[22] For the treatment of the Upper Silesian question the Council was summoned on August 12, 1921; its report, announced on October 12, has been much criticized.[23] The Council has not been as expeditious and effective in practice as had been hoped, but perhaps the fact that many of

[20] Mr. Lloyd George, before the National Liberal Council; see Mills, J. Saxon, *The Genoa Conference,* p. 27.

[21] *Covenant of the League of Nations,* Articles 12, 15.

[22] *Political Activities of the League of Nations,* Information Section of Secretariat, p. 23.

[23] *Ibid.,* pp. 47–55.

the problems submitted were only surrendered by the Conference of Ambassadors when found to be practically insoluble may be some justification. Certainly in the Greco-Bulgarian dispute, where it was given a free hand, the Council may well point with pride to the results.

A further limitation upon the conference as a process of dealing with disputes is its freedom to settle an issue apart from considerations of justice or law. The recommendation of the Council of the League for a division of Upper Silesia into two parts could scarcely be upheld on any other ground than that it was an acceptable solution. The settlement of international disputes is primarily a judicial function. When it is undertaken by bodies that are not constituted on a judicial basis, one must consider the arrangement as entirely a matter of expediency made necessary by the shortcomings of international organization and practice.

Lack of information.—A second major limitation which the international conference possesses by reason of its deliberative character is the difficulty of obtaining expert opinion on technical issues. Attention has already been directed to the insufficiency of a body of diplomats when dealing with the complicated issues that are a part of internationalism, and to the methods by which conferences have tried to equip themselves with the necessary facts and data. While the use of experts as plenipotentiaries is manifestly unwise on account of their lack of diplomatic training, it has been found feasible to have them present in an advisory capacity. In regard to some subjects, however, facts and data are not available, while in other instances they may be of such a nature as to be easily distorted or disregarded. Even national legislatures with their longer experience have been unable to supply them-

selves with adequate sources of ready information on all matters that come up for treatment.[24]

In view of the difficulty of getting scientific data it may be concluded that an international conference should confine itself, in the main, to decisions upon questions of principle. It would be futile for any gathering of diplomats to expect to deal exhaustively and comprehensively with highly technical matters, as the codification of law, the management of means of communication, or finance. On the contrary, a conference may be used very appropriately for the adoption of general principles in regard to such matters.

There are two chief methods by which a conference may arrange for the scientific treatment of details outside its own halls. In the first place, it is possible to utilize as bases of discussion the conclusions of organizations of specialists who have deliberated and formulated plans before the opening of the conference. Mr. Elihu Root made the following assertions in regard to the codification of law by the method of conferences, preceded by the investigations of committees of jurists:

> The work must ultimately be accomplished by the official representatives of the nations acting under the instructions of their several governments. It is only results attained in that way which can secure consideration and ratification. The work, however, cannot be done *ab initio* by official representatives. Their work must be preceded by and based upon the painstaking preparations wrought by individuals and unofficial organizations. Without it official conferences are helpless, partly because they have not the time; partly because a large number of their membership will be composed of men of affairs who have not the bearing and aptitude for scientific research.[25]

[24] Jones, C. L., *Statute Law-Making*, pp. 20–27.

[25] Root, E., "The Codification of International Law," *American Journal of International Law*, XIX, 682.

The codification work of the First Hague Conference of 1899 was made possible in large part by the previous work of the Institut de Droit International.[26] The fifth Pan-American Conference in 1923 wisely established a committee of jurists to meet in Rio de Janeiro in 1925 to co-operate with the American Institute of International Law in arriving at a project which might be submitted later for adoption.[27] Similarly, the codification work of the League of Nations is placed in the first instance in charge of a committee of jurists.[28] It has come to be widely accepted in practice that conferences dealing with the codification of law shall utilize the results of the preliminary deliberations of specialists.

When the agenda of a diplomatic gathering has contained matters of a social, an economic, or a political nature, there has been less frequent recourse to a preceding examination of facts and data by an international group. It is possible to mention a host of conferences that have not had the advantage of a carefully devised project, as the Washington Conference on the Limitation of Armament in 1921–22, the Genoa Conference of 1922, and the Geneva Disarmament Conference of 1927. Conferences under the auspices of the League of Nations generally have the background of a preliminary study.[29]

A second method by which it is possible to relieve a gathering of diplomats of a volume of details is through the establishment of commissions designed to operate continuously and to provide whatever technical skill may

[26] *Idem.* [27] *Ibid.*, p. 683. [28] *Ibid.*, p. 684.

[29] See *The International Economic Conference,* World Peace Foundation Pamphlets, Vol. X, No. 4, pp. 382–91, and *The Report of the International Financial Conference at Brussels in 1920,* World Peace Foundation Pamphlets, Vol. III, No. 5, Introduction.

be required. There is an analogy to this mechanism in the administrative commissions of national and local governments. In the international field it may be used with greatest profit when the conference which created it has an element of permanence or is related to an organization. Public international unions have in some instances established commissions with the authority of providing administrative regulations.[30] The commissions of the sugar union and the various sanitary councils are of this nature. Similarly, the machinery of the League of Nations includes technical organizations and permanent advisory commissions.

While an independent international conference which has no connection with a permanent institution is not well fitted to utilize commissions, it may be possible to extend the usefulness of preliminary surveys by technicians. In any case, the decisions of assemblies of diplomats ought to be restricted to questions of general policy. If the technical details cannot be given over to another body, the alternative of treating them in general conference has questionable merits.

The limitation of powers.—In the third place, the international conference is limited in its usefulness by the nature of its powers. While a parliamentary body may legislate, a diplomatic assembly may only recommend. As Mr. James Brown Scott states it, "A parliament binds the dependent; a conference recommends to equal and independent nations."[31] The signature of a proposed agreement by a plenipotentiary creates a presumption that it will be acted upon favorably by the government that he represents, but by no means does it establish an obligation to

[30] Reinsch, P. S., *Public International Unions,* p. 153.

[31] Scott, J. B., *The Hague Peace Conferences,* I, 35–36.

ratify. Certainly in actual practice states do not hesitate to accept or reject treaties on grounds of policy.[32]

This characteristic of an international conference means that its efficacy is dependent either upon the certitude with which ratifications may be expected or upon the facility with which an agreement may operate when acceptable to only a fraction of the signatory powers. None of the fourteen conventions that were drafted by the Hague Conference of 1907 received favorable action by all of the signatory states.[33] Convention XII, relative to the creation of an international prize court, received only eight ratifications from the thirty-three states whose delegates signed it. In no case did a convention receive more than twenty-six ratifications. The convention drafted by the London Naval Conference of 1908–09 never went into operation on account of the failure of signatories to ratify.[34] On January 1, 1926, there was no proposed convention that had been framed by the conferences of the International Labor Organization which had received the favorable action of all member states.[35] When a conference is made up of delegates from a large number of states it rarely happens that the work of the group receives the ratification of all.

There are instances where no hardship is involved by the failure of an agreement that has been signed to be accepted in one or more countries. Whether or not the results will be fatal depends primarily upon the competi-

[32] See Potter, P. B., *Introduction to the Study of International Organization,* pp. 147–48.

[33] *The Record of The Hague,* World Peace Foundation Pamphlets, Vol. IV, No. 6, Part 3, pp. 17–18; a list of signatory and ratifying states is given for all of the conventions.

[34] Satow, Sir E., *Diplomatic Practice,* I, 162.

[35] Reported from the International Labor Office.

tive or non-competitive nature of the subject-matter of the treaty. There is small likelihood that a treaty dealing with disarmament will go into operation without the common consent of all of the states that have been deemed important enough to be invited to the conference in which the proposal was formed. The treaties of the Washington Conference on the Limitation of Armament provided that they should not be effective until they had been ratified by all signatory states.[36] The regulation of social and economic conditions by international agreements is another activity that enters a highly competitive realm. The lack of unanimous ratification of the projects of the International Labor Conferences is a point of weakness in the activities of the organization. Conventions that purport to codify international law should not impose limitations or duties upon some states that are not at the same time binding upon the others. It was for this reason that the Hague conventions dealing with the conduct of hostilities were, by their own provisions, not to be binding in a war where one or more of the participants was a non-contracting power.[37]

Not all subjects of international regulation are equally competitive in nature, and consequently conferences are not dependent to the same extent upon general ratification. It is on account of this fact that a provision is often made in a proposed treaty that it shall go into effect when only a fraction of the signatories have ratified. The treaties drafted by the Conference on Central American Affairs in 1922–23 required the ratification of from two to four

[36] Treaty relative to the use of submarines and noxious gases, Article 6. A similar provision may be found in the other Washington treaties. See *Conference on Limitation of Armament,* Appendix.

[37] See Hague Convention V, Article 20. The other conventions have similar provisions.

states of the five whose representatives signed them before they should become effective.[38] The convention for the limitation of armament was to become operative after four ratifications, the one relative to protective laws for workmen and laborers required the favorable action of at least two states, and the other treaties were to go into effect upon their acceptance by three countries. This sort of arrangement admits and takes into account varying degrees of competition that are involved in diverse subjects. By so doing it increases the usefulness of the conference method.

There are other means of minimizing the possibility that futile results will follow from the limited powers that are characteristic of the international conference. In the first place, participation may be confined to states which are vitally interested in the proposed form of cooperation and therefore not likely to present unreasonable obstructions. Both the absence of an interested state and the presence of an indifferent nation diminish the chances that the work of a conference will be successful. The failure of the United States to become a member of the International Labor Organization has handicapped the efforts of that body.[39] The restriction of discussion on armament questions in the Washington Conference on the Limitation of Armament to only five of the nine states which were in attendance was a recognition of the wisdom of carefully regulating the membership of a diplomatic body. A second precaution is the inclusion on the agenda of only those subjects in regard to which favorable action

[38] *Conference on Central American Affairs, 1922–23,* pp. 287–373.

[39] Feis, H., "An Attempt to Establish the Eight-Hour Day by International Action," *Political Science Quarterly,* XXXIX, 413; reference is made to the effects of the fear of American competition.

is quite probable. While one of the purposes of a conference is to reconcile divergent views, there are views that cannot be brought into accord, and an attempt to do so through the medium of a diplomatic assembly is hopeless. The negotiations that precede the convocation of a conference should indicate the possibilities of success. While the field of international jurisdiction has been expanding, there are still many matters that should be regarded as primarily domestic and consequently beyond the probability of international action.[40] Even within the realm of international jurisdiction there are subjects such as armament limitation upon which the points of view of interested states may be so variant as to preclude the possibility of a settlement. This proved to be true at the Geneva Disarmament Conference of 1927.

Limitation of methods.—While the methods of international conferences possess a measure of flexibility there are certain practices which have come to have the force of tradition. They are related to the two doctrines of state equality and unanimity. Fortunately, there has been a recent tendency on the part of organizations to drift away from these doctrines, but it still remains true that the majority of conferences adhere to them. When they are applied to the processes of diplomatic gatherings it results that decisions are formed by the unanimous consent of states whose voting power is equal.

The immediate consequence of the use of the doctrines of equality and unanimity is the facility with which obstruction may be offered to a project which is generally acceptable. It was pointed out in an earlier chapter that many proposals have been defeated by one or two small

[40] See Potter, P. B., "The Expansion of International Jurisdiction," *Political Science Quarterly,* XLI, 546.

states. The only alternative to the failure of a conference when such a situation develops is for the minority state or states to withdraw. The United States withdrew its representatives from the Opium Conference of 1924 on account of its opposition to the project that was ultimately adopted.[41] This serious limitation in methods is a further reason for caution in regard to the membership and the agenda of a conference. It is to the interest of international understanding that states shall not be put unnecessarily in a position where they are obliged to disagree openly. A wiser course of action, where it is possible, is to delay deliberations on a highly controversial issue until opinions can mature, for once a nation has put itself on record in an official conference, it is the more difficult to alter or compromise its stand later. The failure of a diplomatic body to accomplish its main purposes may serve to emphasize differences of opinion rather than to allay them.

In summary of the foregoing remarks, the international conference appears to be particularly limited in its ability to deal with emergencies, in the difficulty with which it can make use of expert opinion, by its lack of powers, and on account of its restricted voting methods. The extent to which these natural limitations diminish the usefulness of a particular conference depends on many factors, such as size, the subject-matter of the agenda, and the relation of the body to some permanent international organization. The inherent defects may be minimized by exercising extreme care in the composition, organization, and methods of the gathering. At best, however, it remains that the international conference is a specialized mechanism, subject both to misuse and abuse.

[41] Wright, Q., "American Withdrawal from the Opium Conference," *American Journal of International Law,* XI, 350.

Chapter XI—THE FUTURE OF THE INTERNATIONAL CONFERENCE

The mechanism and processes of government must be dynamic in order to adapt themselves to the changing demands which are placed upon them. Our eighteenth-century Constitution would be ill-fitted to deal with twentieth-century conditions were it not for the flexible character with which it is endowed. The machinery of international life, like that of national states, must change with the times. In little more than a century the international conference has developed from the point where it was considered to be merely a device for the formation of peace treaties to its present status, where it is used constantly in time of peace either as part of a permanent organization, as a self-sufficient public organism, or as a medium of private interests. From its present position the conference must continue to progress. While the ultimate place of the conference in the sphere of international relations is a speculative matter, it is possible to discern tendencies, both within the mechanism itself and in its environment outside which indicate probable lines of growth.

The future of the conference is dependent to a great extent upon the place which the League of Nations or a similar organization will attain. There has been some controversy as to whether the present status of the League is that of a corporation or a superstate.[1] The argument resolves itself into a definition of terms. If it is admitted that the term "superstate" indicates that "there is an organization of which a state is a member, which is superior

[1] Harriman, E. A., "The League of Nations as a Rudimentary Superstate," *American Political Science Review,* XXI, 136.

to the members themselves," then it would follow that the League would come within that classification.[2] As a superstate, however, the League is rudimentary, with stunted legislative and executive branches of government, though somewhat better developed on the judicial side. It is reasonable to expect that all three branches will undergo marked alterations during future decades, which must react profoundly upon the conference method as it is now in use.

In the first place, it is to be noted that the development of the executive side of international organization must ultimately result in a loss of jurisdiction on the part of the conference. At the present time the ways by which a group of states may decide upon concerted action in the application of measures of coercion are through the medium of the diplomatic gathering or by simple diplomatic correspondence. The use of the pacific blockade by Great Britain and France against Holland was agreed upon at the Conference on Belgian Affairs of 1830–33.[3] The Concert of Europe relied upon gatherings of diplomats for the purpose of formulating policies of common action.[4] The first step taken by that body in the event of a crisis was mutual deliberation, which was ordinarily followed by diplomatic intervention and, if need be, the use of force or the threat of force. The Allied Supreme Council and the Conference of Ambassadors have deliberated during recent times upon the application of some form of pressure to enforce obligations.

The Covenant of the League of Nations provides in

[2] *Idem.*

[3] Satow, Sir E., *Diplomatic Practice,* II, 104–5.

[4] Potter, P. B., *Introduction to the Study of International Organization,* pp. 428–30.

Article 16 for the use of sanctions in the form of economic boycott and joint military action. As a point of fact, neither sanction has ever been utilized, in spite of the occurrence of critical international situations during the past few years. While it would seem from Article 16 that the application of an economic boycott is rendered possible without the decision of a conference, recourse to joint military action is made dependent upon the action of a diplomatic body.

It is not probable that the near future will witness the development of international organization to the point where an executive branch will have military forces which it can move without the consent of states that have provided them. In other words, it is likely that the use of sanctions will continue to be dependent upon the concurrent agreement of interested parties, expressed through some such conference body as the Council of the League. To deprive the conference of the occasional function of deliberating upon common coercive action would not affect greatly the total number of issues with which diplomatic assemblies are accustomed to deal. But it would have the auspicious effect of relieving the conference method of a function for which it is not naturally fitted by reason of its slowness and its reliance upon unanimous consent in the formation of important decisions.

In the second place, the development of the judicial side of international organization beyond its present status must have an effect upon the conference and its usefulness. That a diplomatic assembly is not well adapted to the settlement of international disputes has been affirmed in the preceding chapter with sufficient emphasis. Its present use in such a capacity is made necessary by the existing condition of judicial bodies. The Permanent Court of

Arbitration and the Permanent Court of International Justice are both designed for disputes of a legal nature.[5] The International Commissions of Inquiry authorized by *Hague Convention I* for the Pacific Settlement of International Disputes are expected to deal with "differences of an international nature involving neither national honor nor vital interests, and arising from a difference of opinion on points of fact. . . ."[6] It is on account of the inadequacy of international law and the limited jurisdiction of international courts that it is provided by Article 15 of the Covenant that the Council and Assembly of the League may have jurisdiction over disputes. For the same reason special conferences may be convoked to deal with ruptures in the amicable relations of nations. The codification movement in the field of international law should accomplish much in the way of broadening the jurisdiction of the courts, with the final result that the conference method will have lost another function which it is ill-fitted to perform.

Of still greater significance are the possible results of the development of the deliberative branch of international organization. It is not probable that a full-fledged legis-

[5] Article 38 of *Hague Convention I* for the Pacific Settlement of International Disputes reads: "In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the contracting powers as the most effective, and at the same time the most equitable means of settling disputes which diplomacy has failed to settle." Article 36 of the *Statute of the Permanent Court of International Justice* specifies the following types of disputes as ones in which member states may recognize compulsory jurisdiction: (*a*) interpretation of a treaty; (*b*) any question of international law; (*c*) the existence of any fact which, if established, would constitute a breach of an international obligation; and (*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

[6] Article 9, *Hague Convention I.*

lative body will be produced in any form of a superstate, at least not until nationalism has become extinct. On the other hand, a thriving League of Nations may very naturally absorb a great deal of the field of jurisdiction in which the independent conference now operates. There is something illogical in a system of internationalism that is conducted through the agency of a large number of unrelated deliberative bodies, meeting in a haphazard manner. It suggests a period of transition in which the need of co-operation among states has been growing more rapidly than the development of appropriate machinery. The deliberative bodies of a permanent organization have certain advantages in the way of equipment, organizing facilities, and continuous personnel which the independent gatherings cannot possess. Furthermore, the former admit of a desirable unity of control.

The brief history of the League is evidence of the inevitable trend toward the extension of the jurisdiction of permanent organizations at the expense of separate conferences. Through the Council, the Assembly, the advisory commissions, and the special conferences a vast number of different subjects have been dealt with during the past seven years. Social, economic, educational, and political questions of various types have come before the attention of those bodies.[7] The number of meetings that have occurred under the auspices of the organization is further proof of the growing importance of the League in the conduct of international relations; from 1920 to 1927 there were four hundred and fifty-nine of these.[8]

[7] See *Seventh Yearbook of the League of Nations,* World Peace Foundation Pamphlets, Vol. X, Nos. 2, 3, for a description of the League activities.

[8] Rappard, W. E., "The Evolution of the League of Nations," *American Political Science Review,* XXI, 817.

Thus far, to be sure, these efforts of the League of Nations have not supplanted separate international conferences. In fact, the post-war period has witnessed an unwonted number of independent gatherings. There are several explanations for the continued use of separate conferences in spite of the increasing activities of the League of Nations. In the first place, it should be remembered that the League started its career in the midst of much animosity and distrust, which have caused nations to arrange for rival meetings apart from it.[9] Furthermore, the insistence upon international co-operation has been more emphatic during the post-bellum period in an attempt to deal with issues that the war created or left open, as well as in regard to problems that have perennially been a source of vexation. A final contributing cause has been the increasing number of localized conferences among small groups of powers, such as the Central American countries or the Baltic nations, which do not call for the efforts of such an organization as the League of Nations.

It is impossible to discern just how far the encroachment of the League upon the work of independent conferences may go. Certainly the area of international jurisdiction will be wide enough to admit the simultaneous efforts of a permanent organization and of occasional gatherings for a long time in the future. The process of transferring subjects from the field of national control to that of international regulation has not spent itself.[10] In view of the broad interpretations that are placed upon

[9] Mr. Lloyd George stated that a reason for keeping the Genoa Conference of 1922 apart from the League was the greater chance of American and Russian participation. See Mills, J. Saxon, *The Genoa Conference,* pp. 20–21.

[10] Potter, P. B., "The Expansion of International Jurisdiction," *Political Science Quarterly,* XLI, 546–66.

the treaty power of states the further expansion of international jurisdiction is probable. The Supreme Court of the United States has held that the power to make treaties extends under the constitution "to all proper subjects of negotiation."[11] As soon as the national regulation of an activity becomes of interest to foreign states or citizens, through diplomatic negotiations it may be made a matter of international concern.

It is doubtful whether the work of a League of Nations will ever supplant conferences of only a small number of participating states. A general international organization will comprise from sixty to seventy states, and it is best fitted to deliberate on matters of interest to all or at least to a majority of its members. The small conference should continue to deal with affairs in which there are but few interested parties.

Whether a part of a permanent organism or an independent entity, the logical outcome of the present trend of events is the relegation of the conference to a position where it performs the sole function of deliberating upon questions of policy. Furthermore, by the extension of the theory of the administrative commission, or by the preliminary use of groups of experts, it may be possible to leave within the jurisdiction of the conference only the solution of major problems.

To attain a maximum degree of efficiency, even within so confined a field, there are changes which must be made in the methods of international conferences. At the present time an assembly of diplomats is handicapped by the persistence of several ideas which were commonly accepted when the conference movement began. The relinquishment of the doctrines of equality and unanimity should be

[11] *Geofroy* vs. *Riggs,* 1890, 133 U.S. 258.

encouraged whenever it is possible. The development of flexible rules of procedure in regard to such matters as publicity, the use of languages, the initiating of treaties, the alteration of an agenda, and a host of other subjects should be hastened. The conference has played a significant part in the history of international relations; by gradual adjustment and adaptation it may find a more logical and effective rôle in the future.

Appendix A—PUBLIC INTERNATIONAL CONFERENCES IN TIME OF PEACE BEFORE 1914

The following list comprises the principal conferences attended by governmental delegates. It excludes the conferences of public international unions:

1818. Aix-la-Chapelle.
1820. Troppau.
1821. Laybach.
1822. Verona.
1826. Panama Congress.
1830–31. Conference at London relative to Belgium's neutrality.
1847–48. Lima Congress to form an alliance of American Republics.
1851. International Sanitary Conference at Paris.
1853. General Conference as to statistics at Brussels.
1856. Congress at Santiago regarding a Continental Treaty of Alliance.
1857. Conference of Copenhagen regarding Sound Dues.
1861. Conference of Hanover to deal with navigation of Elbe.
1863. Conference of London relative to Ionian Islands.
Brussels Conference relative to free navigation of Scheldt.
1864. Conference of Geneva to promote humanity in war.
Congress of Lima to abolish war in South America.
Conference of London on the affairs of Denmark.
Conference of London as to marine signaling.
Conference of Paris as to marine signaling.
1866. Conference of Paris as to the navigation of the Danube.
1867. London Conference to neutralize Luxembourg.
1868. Conference at Geneva to extend the Convention of 1864.
St. Petersburg Conference to deal with explosive bullets.
1869. Conference of Paris on the Cretan question.
1871. Conference of London to consider questions arising out of neutralization of Black Sea.
1874. Brussels Conference to establish rules of war.
1876–77. Conference of Constantinople on the Eastern question.
1877. Conference of Lima on private international law.
1878. Congress of Berlin on the Eastern question.
1880. Conference at Madrid regarding North Africa.
1882. Conference of Paris as to the neutralization of submarine cables.
Conference at The Hague as to policing the North Sea fisheries.
1883. Conference of London on navigation of the Danube.
Conference of Brussels as to the exchange of official documents.

1884–85. Conference of Berlin as to Western African affairs.
1885. Congress of Commercial Law, Antwerp.
Conference of Paris as to trade in Suez Canal.
1886. Conference of Brussels as to exchange of official documents.
1887. Conference as to the liquor traffic on the North Sea.
1888. Conference of Constantinople to regulate the use of the Suez Canal.
1889. South American Congress at Montevideo on private international law.
Conference at Berlin on Samoan Islands.
Conference of Berne to promote the well-being of the working classes.
International Maritime Congress, Washington.
1889–90. Conference for the suppression of the slave trade, Brussels.
1890. Conference at Berlin for the protection of labor in factories and mines.
Conference at Brussels to regulate affairs in the Congo State.
First Pan-American Conference, Washington.
Conference at Stockholm as to fisheries in the North Sea.
1892. International Congress on maritime law, Genoa.
1893. Conference on private international law, The Hague.
1894. Conference on private international law, The Hague.
1897. Conference of Paris as to ocean telegraphy.
1899. Conference at Brussels to regulate the liquor traffic in Africa.
The Hague Peace Conference.
1900. Conference on private international law, The Hague.
Social and Economic Conference of Spanish-American States, Madrid.
1901. Pan-American Conference in Mexico City.
1902. General Sanitary and International Conference of American republics, Washington.
Central American Peace Congress, Corinto.
1904. Conference on private international law, The Hague.
Congress at Zurich to repress the white slave trade.
International Conference for the suppression of the white slave traffic, Paris.
1905. Conference on maritime law, Brussels.
1906. Geneva Conference to revise the Convention of 1864 as to humanity in war.
Conference of Brussels on the liquor traffic in Africa.
Algeciras Conference on Morocco.
Pan-American Congress, Rio de Janeiro.
Central American Conference, San Jose de Guatemala.

1907. Second Peace Conference, The Hague.
International Maritime Conference, Venice.
1908. Conference at Brussels as to traffic in arms in Africa.
International Conference against dueling, Budapest.
International Fisheries Congress, Washington.
International Naval Conferences, London.
First Pan-American Scientific Congress, Santiago, Chile.
1909. Central American Conference, Tegucigalpa.
International Opium Conference, Shanghai.
Maritime Law Conference, Brussels.
Sanitary Conference, San Jose de Guatemala.
1910. Conference at Brussels regarding African boundaries.
Central American Conference, San Salvador.
Conference regarding the suppression of the white slave traffic, Paris.
Congress regarding international aërial law, Verona.
Conference for the unification of bills of exchange, The Hague.
Baltic and White Sea Conference, Christiania.
Maritime Conference, Brussels.
Conference on aërial navigation, Paris.
1911. Pan-American Commercial Conference, Washington.
Sanitary Conference, Paris.
Conference on Maritime Law, Paris.
Sanitary Conference, Santiago.
1911–12. International Opium Conferences, The Hague.
1912. Conference on the liquor traffic in Africa, Brussels.
Central American Conference, Managua.
Maritime Conference, St. Petersburg.
Conference for the unification of the law of the check, The Hague.
1913. Central American Conference, San Jose de Guatemala.
Conference on Maritime Law, Copenhagen.
International Opium Conference, The Hague.

Appendix B—PUBLIC INTERNATIONAL CONFERENCES SINCE SEPTEMBER 1, 1920

The following list includes the principal conferences of a public nature. It excludes conferences of public international unions, meetings of the Supreme Council and the Council of Ambassadors, and meetings of the regular organs of the League of Nations.

1920. Eastern Peoples Conference, Baku.
Interallied Conference for the protection of persons disabled in war, Brussels.
Marine Fisheries Conference, Ottawa.
International Financial Conference, Brussels.
International Economic Conference, London.
International Passport Conference, Paris.
International Labor Conference, Geneva.
Conference on Communication and Transit, Barcelona.

1921. International Health Conference, Copenhagen.
Conference on Traffic in Women and Children, Geneva.
Pan-American Postal Congress, Buenos Aires.
Conference of Caucasian Republics, Kars.
International Labor Conference, Geneva.
Economic Conference, Riga.
Baltic States Conference, Reval.

1921–22. Washington Conference on the Limitation of Armament.

1922. International Labor Conference, Geneva.
Belgrade Economic Conference.
Baltic States Conference, Reval.
European Health Conference, Warsaw.
Baltic States Conference, Riga.
Conference of the Little Entente, Rome.
Conference on Aviation Law, Prague.
Conference on Maritime Law, Brussels.
Genoa Conference.

1922–23. Conference on Central American Affairs, Washington.

1922–23. Moscow Disarmament Conference.

1923. Conference on Customs Formalities, Geneva.
Pan-American Conference, Washington.
Little Entente Conference, Sinaia.
International Maritime Conference, Gothenberg.
Conference on obscene publications, Geneva.
International Labor Conference, Geneva.
Maritime Law Conference, Brussels.

1924. Conference of the Little Entente, Belgrade.
Opium Conference, Geneva.
Baltic Conference, Kovno.
International Anti-Liquor Smuggling Conference, Helsingfors.
International Labor Conference, Geneva.
Emigration Conference, Rome.
1925. Arms Traffic Conference, Geneva.
Pan-American Scientific Conference, Lima.
Baltic States Conference, Helsingfors.
Conference of the Little Entente, Bucharest.
Locarno Conference.
International Labor Conference, Geneva.
Air Transport Conference, Stockholm.
Aërial Navigation Conference, Brussels.
1925–26. Chinese Tariff Conference.
1926. Pan-American Commercial Conference, New York.
Little Entente Conference, Temesvar.
Maritime Law Conference, Brussels.
Passport Conference, Geneva.
The Eighth International Labor Conference, Geneva.
The Ninth International Labor Conference, Geneva.
Inter-Governmental Conference on Russian and Armenian Refugees, Geneva.
Double Taxation Conference, Geneva.
Oil-Pollution Conference, Washington.
Pan-Asiatic Conference, Nagasaki.
1927. Naval Disarmament Conference, Geneva.
International Economic Conference, Geneva.
International Labor Conference, Geneva.
Pan-American Commercial Congress, Washington.
Baltic and White Sea Conference, Paris.
European Minorities Conference, Geneva.
Radiotelegraph Conference, Washington.
Trade-restrictions Conference, Geneva.
Pan-American Sanitary Conference, Lima.
1928. Sixth International Conference of American States, Havana.
Imperial Wireless and Cable Conference, London.
International Labor Conference, Geneva.
Conference on double taxation and tax evasion, Geneva.
Conference on standardization of world statistics, Geneva.
International American Conference on conciliation and arbitration, Washington.
Civil Aviation Conference, Washington.

Appendix C—INSTRUCTIONS TO AMERICAN DELEGATES TO THE HAGUE CONFERENCE OF 1899

Mr. Hay to Hon. Andrew D. White, Hon. Seth Low, Hon. Stanford Newel, Capt. Alfred T. Mahan, U.S.N., Capt. William Crozier, U.S.A., Delegates on the Part of the President of the United States

DEPARTMENT OF STATE,
WASHINGTON, April 18, 1899

GENTLEMEN: You have been appointed by the President to constitute a commission to represent him at an international conference called by His Imperial Majesty the Emperor of Russia to meet at The Hague, at a time to be indicated by the Government of the Netherlands, for the purpose of discussing the most efficacious means of assuring to all peoples the "benefits of a real and durable peace."

Upon your arrival at The Hague you will effect an organization of your commission, whose records will be kept by your secretary, Hon. Frederick W. Holls. All reports and communications will be made through this Department, according to its customary forms, for preservation in the archives.

The program of topics suggested by the Russian minister of foreign affairs for discussion at the Conference in his circular of December 20, 1898, is as follows:

1. An understanding stipulating the nonaugmentation, for a term to be agreed upon, of the present effective armed land and sea forces, as well as the war budgets pertaining to them; preliminary study of the way in which even a reduction of the aforesaid effectives and budgets could be realized in the future.

2. Interdiction of the employment in armies and fleets of new firearms of every description and of new explosives, as well as powder more powerful than the kinds used at present, both for guns and cannons.

3. Limitation of the use in field fighting of explosives of a formidable power, such as now in use, and prohibition of the discharge of any kind of projectiles or explosives from balloons or by similar means.

4. Prohibition of the use in naval battles of submarine or diving torpedo boats, or of other engines of destruction of the same nature; agreement not to construct in the future warships armed with rams.

5. Adaptation to naval war of the stipulation of the Geneva Convention of 1864, on the base of the additional articles of 1868.

6. Neutralization, for the same reason, of boats or launches employed in the rescue of the shipwrecked during or after naval battles.

7. Revision of the declaration concerning the laws and customs of war elaborated in 1874 by the Conference of Brussels, and not yet ratified.

8. Acceptance, in principle, of the use of good offices, mediation, and voluntary arbitration, in cases where they are available, with the purpose of preventing armed conflicts between nations; understanding in relation to their mode of application and establishment of a uniform practice in employing them.

It is understood that all questions concerning the political relations of States and the order of things established by treaties, as in general all the questions which shall not be included directly in the programme adopted by the cabinets, should be absolutely excluded from the deliberations of the Conference.

The first article, relating to the nonaugmentation and future reduction of effective land and sea forces, is, at present, so inapplicable to the United States that it is deemed advisable for the delegates to leave the initiative upon this subject to the representatives of those Powers to which it may properly belong. In comparison with the effective forces, both military and naval, of other nations, those of the United States are at present so far below the normal quota that the question of limitation could not be profitably discussed.

The second, third, and fourth articles, relating to the nonemployment of firearms, explosives, and other destructive agents, the restricted use of existing instruments of destruction, and the prohibition of certain contrivances employed in naval warfare, seem lacking in practicability, and the discussion of these propositions would probably prove provocative of divergence rather than unanimity of views. It is doubtful if wars are to be diminished by rendering them less destructive, for it is the plain lesson of history that the periods of peace have been longer protracted as the cost and destructiveness of war have increased. The expediency of restraining the inventive genius of our people in the direction of devising means of defense is by no means clear, and, considering the temptations to which men and nations may be exposed in a time of conflict, it is doubtful if an international agreement to this end would prove effective. The dissent of a single powerful nation might render it altogether nugatory. The delegates are, therefore, enjoined not to give the weight of their influence to the promotion of projects the realization of which is so uncertain.

The fifth, sixth, and seventh articles, aiming in the interest of hu-

manity to succor those who by the chance of battle have been rendered helpless, thus losing the character of effective combatants, or to alleviate their sufferings, or to insure the safety of those whose mission is purely one of peace and beneficence, may well awake the cordial interest of the delegates, and any practicable propositions based upon them should receive their earnest support.

The eighth article, which proposes the wider extension of good offices, mediation, and arbitration, seems likely to open the most fruitful field for discussion and future action. "The prevention of armed conflicts by pacific means," to use the words of Count Mouravieff's circular of December 30, is a purpose well worthy of a great international convention, and its realization in an age of general enlightenment should not be impossible. The duty of sovereign States to promote international justice by all wise and effective means is only secondary to the fundamental necessity of preserving their own existence. Next in importance to their independence is the great fact of their interdependence. Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of sovereign and independent States, whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation.

The proposed Conference promises to offer an opportunity thus far unequaled in the history of the world for initiating a series of negotiations that may lead to important practical results. The long-continued and widespread interest among the people of the United States in the establishment of an international court, as evidenced in the historical résumé attached to these instructions as Annex A, gives assurance that the proposal of a definite plan of procedure by this Government for the accomplishment of this end would express the desires and aspirations of this nation. The delegates are, therefore, enjoined to propose, at an opportune moment, the plan for an international tribunal hereunto attached as Annex B, and to use their influence in the Conference in the most effective manner possible to procure the adoption of its substance or of resolutions directed to the same purpose. It is believed that the disposition and aims of the United States in relation to the other sovereign Powers could not be expressed more truly or opportunely than by an effort of the delegates of this Government to concentrate the attention of the world upon a definite plan for the promotion of international justice.

Since the Conference has its chief reason of existence in the heavy burdens and cruel waste of war, which nowhere affect innocent private persons more severely or unjustly than in the damage done to

peaceable trade and commerce, especially at sea, the question of exempting private property from destruction or capture on the high seas would seem to be a timely one for consideration.

As the United States has for many years advocated the exemption of all private property not contraband of war from hostile treatment, you are authorized to propose to the Conference the principle of extending to strictly private property at sea, the immunity from destruction or capture by belligerent Powers which such property already enjoys on land as worthy of being incorporated in the permanent law of civilized nations.

I am, etc.,
JOHN HAY

Appendix D—TEXT OF AMERICAN INVITATIONS TO THE WASHINGTON CONFERENCE ON THE LIMITATION OF ARMAMENT OF 1921–22

TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE ON AUGUST 11, 1921, TO THE GOVERNMENTS OF GREAT BRITAIN, FRANCE, ITALY, AND JAPAN, TO PARTICIPATE IN A CONFERENCE ON THE LIMITATION OF ARMAMENT

The President is deeply gratified at the cordial response to his suggestion that there should be a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions should also be discussed.

Productive labor is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced. It is idle to look for stability, or the assurance of social justice, or the security of peace, while wasteful and unproductive outlays deprive effort of its just reward and defeat the reasonable expectation of progress. The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity; and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation. Yet there would seem to be no ground to expect the halting of these increasing outlays unless the Powers most largely concerned find a satisfactory basis for an agreement to effect their limitation. The time is believed to be opportune for these Powers to approach this subject directly and in conference; and while, in the discussion of limitation of armament, the question of naval armament may naturally have first place, it has been thought best not to exclude questions pertaining to other armament to the end that all practicable measures of relief may have appropriate consideration. It may also be found advisable to formulate proposals by which, in the interest of humanity, the use of new agencies of warfare may be suitably controlled.

It is, however, quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement as to principles and their

application. It is the earnest wish of this Government that, through an interchange of views with the facilities afforded by a Conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time, that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and the Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the Conference, in the expectation that the spirit of friendship and cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance, the President invites the Government of————————to participate in a conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, to be held in Washington on the 11th day of November, 1921.

TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE, AUGUST 11, 1921, TO THE GOVERNMENT OF CHINA TO PARTICIPATE IN THE DISCUSSION OF PACIFIC AND FAR EASTERN QUESTIONS, IN CONNECTION WITH THE CONFERENCE ON THE LIMITATION OF ARMAMENT

The President is deeply gratified at the cordial response to his suggestion that there should be a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions should also be discussed.

It is quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement as to principles and their application. It is the earnest wish of this Government that, through an interchange of views with the facilities afforded by a Conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time, that is, such common understandings with respect to matters which have been and are of inter-

national concern as may serve to promote enduring friendship among our peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and the Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the Conference, in the expectation that the spirit of friendship and cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance, the President invites the Government of the Republic of China to participate in the discussion of Pacific and Far Eastern questions, in connection with the Conference on the subject of Limitation of Armament, to be held in Washington on the 11th day of November, 1921.

TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE, OCTOBER 4, 1921, TO THE GOVERNMENTS OF BELGIUM, THE NETHERLANDS, AND PORTUGAL TO PARTICIPATE IN THE DISCUSSION OF PACIFIC AND FAR EASTERN QUESTIONS IN CONNECTION WITH THE CONFERENCE ON THE LIMITATION OF ARMAMENT

The invitation of the President of the United States to the Governments of Great Britain, France, Italy, and Japan to send representatives to a Conference to be held in the City of Washington on November 11, 1921, on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, has been graciously accepted. The Government of China has also been pleased to accept the President's invitation to participate in the discussion of Pacific and Far Eastern questions.

It is the earnest wish of this Government that with the facilities afforded by a Conference it may be possible to find a solution of Pacific and Far Eastern problems, by a practical effort to reach such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship.

In view of the interest of————————in the Far East, the President desires to invite the Government of————————to participate in the discussion of Pacific and Far Eastern questions at the Conference. Tentative suggestions as to the Agenda of the Conference, relating to Pacific and Far Eastern questions, proposed by the Government of the United States, are herewith enclosed.

Appendix E—THE AGENDA OF CONFERENCES

TEXT OF THE AGENDA OF THE GENOA CONFERENCE OF 1922

1. The examination of methods of putting into practice the principles contained in the resolution reached at Cannes on the 6th of January, 1922
2. The establishment of European peace on a firm basis
3. Essential conditions for the re-establishment of confidence without injury to existing treaties
4. Financial subjects:
   - *a*) Currencies
   - *b*) Central banks and banks of issue
   - *c*) Public finance in relation to reconstruction
   - *d*) Exchanges
   - *e*) Organization of public and private credit
5. Economic and commercial subjects:
   - *a*) Facilities and guarantees for the import and export of commercial products
   - *b*) Legal guarantees for the re-establishment of commerce
   - *c*) Protection of industrial property and copyrights
   - *d*) Status of consuls
   - *e*) Admission and position of foreigners in regard to the conduct of business
   - *f*) Technical assistance to industrial reconstruction
6. Transport

TEXT OF THE AGENDA OF THE ASSEMBLY OF THE LEAGUE OF NATIONS, ADOPTED ON SEPTEMBER 7, 1925

1. Election of the committee on credentials
2. Election of president
3. Examination and adoption of agenda
4. Nomination of committees and election of chairmen
5. Election of six vice-presidents
6. Report on the work of the Council, on the work of the Secretariat, and on the measures taken to execute the decisions of the Assembly
7. Appointment of six non-permanent members of the Council
8. Committee No. 1
   - *a*) Amendment to Article 16 of Covenant
   - *b*) Proposal of the Netherlands delegation to the Assembly

c) Establishment of a conciliation committee attached to the Permanent Court of International Justice
d) Arbitration, security, and reduction of armaments

9. Committee No. 2
   a) Report on work of the Health Organization
   b) Report on work of the Organization for Communication and Transit
   c) Report on work of the Economic and Financial Organization
   d) Report on work of the Committee on Intellectual Co-operation
   e) Education of the Youth. Report of Secretary-General
   f) Instruction in Universities regarding the aims of the League
10. Committee No. 3
   a) Arbitration, security, and reduction of armaments
11. Committee No. 4
   a) Allocation of expenses of the League
   b) Erection of an Assembly Hall
   c) Budget for 1926
   d) Audit of accounts for 1924
   e) Reports of Supervisory Commission
   f) Staff provident fund
12. Committee No. 5
   a) Report of Advisory Committee on Traffic in Opium
   b) Report of Advisory Committee on Traffic in Women and Protection of Children
   c) International Municipal Co-operation
13. Committee No. 6
   a) Slavery

In the course of the sessions the following items were added to the agenda:

1. Optional clause of the Statute of the World Court
2. Preparation of an International Economic Conference
3. Establishment of an International Relief Union
4. Reduction of Armaments. Statistical information
5. Reduction of Armaments. Manufacture of arms
6. Reduction of Armaments. Yearbook of information
7. Protection of women and children in the Near East
8. Measures to help refugees
9. Loan. Armenian refugees
10. Mandates
11. Protection of minorities
12. Collaboration of the press in the organization of peace
13. The situation in China
14. The withdrawal of Costa Rica from the League

Appendix F—RULES OF PROCEDURE OF INTERNATIONAL CONFERENCES

REGLEMENT OF THE INTERNATIONAL NAVAL CONFERENCE, HELD IN LONDON, DECEMBER 1908–FEBRUARY 1909

1. Les Délégués plénipotentiaires ou non-plénipotentiaires ont, les uns comme les autres, le droit de prendre la parole dans les délibérations de la Conférence.

2. Les secrétaires des Délégations peuvent accompagner les membres de leur Délégation à toutes les séances de la Conférence.

3. Les séances de la Conférence ne sont pas publiques. Ses délibérations restent strictement confidentielles.

4. La langue française est reconnue comme langue officielle pour les délibérations et les actes de la Conférence. Les discours prononcés dans une autre langue seront résumés oralement en français par les soins du secrétariat, d'accord avec l'orateur lui-même.

5. Toute nouvelle proposition et tout amendement à discuter par la Conférence doivent, en règle générale, être remis par écrit au Président. Si la proposition ou l'amendement n'a pu être distribué avant la séance, la Conférence ne peut s'opposer à une demande d'ajournement à une séance ultérieure.

6. La Conférence siège en séance plénière ou en Commission.

7. Les procès-verbaux des séances plénières de la Conférence donnent un résumé succinct des délibérations. Ils seront remis en épreuve aux membres de la Conférence en temps utile et ne seront pas lus au commencement des séances. Chaque délégué a le droit de demander l'insertion in extenso de ses déclarations officielles, d'après le texte remis par lui au secrétariat, et de faire ses observations sur les procès-verbaux. Les rapports des Commissions seront distribués avant d'être mis en discussion.

8. Des séances des Commissions il ne sera dresse aucun procès-verbal sans l'autorisation du Président de la Commission. S'il est dressé des procès-verbaux, les dispositions de l'article précédent sont applicables.

9. A la fin de chaque séance, le Président fait approuver par la Conférence l'ordre du jour de la séance suivante. L'ordre du jour ainsi fixé ne peut être modifié que par une décision de la Conférence.

RULES OF THE PARIS PEACE CONFERENCE OF 1919

[The rules of the Peace Conference, drawn up for its guidance by the representatives of the Foreign Offices most involved, are given

below. These deal mainly with the formal matters of the general Conference, with the question of the right of representation at it on the part of the Ministers Plenipotentiary, and with the work of the secretariat in systematizing the general business of the Conference. It is clear, however, that, since they were drawn up before the Conference really got to work—although modified in part later—they do not describe the actual functioning of the various organs. In fact, no official statement of the constitution of the Conference has been made public, which allows much more latitude in the actual carrying out of the negotiations than would be the case if the functions of each of the sections of the Conference were rigidly assigned beforehand. The text is given as published by the *London Times,* Monday, January 20, 1919.]

I. The Conference assembled to fix the conditions of peace, first in the preliminaries of peace and then in the definite treaty of peace, shall include the representatives of the belligerent Allied and Associated Powers. The belligerent Powers with general interest (the United States of America, the British Empire, France, Italy, and Japan) shall take part in all sittings and commissions. The belligerent Powers with particular interests (Belgium, Brazil, the British Dominions and India, China, Cuba, Greece, Guatemala, Haiti, Hedjaz, Honduras, Liberia, Nicaragua, Panama, Poland, Portugal, Rumania, Serbia, Siam, and the Czecho-Slovak Republic) shall take part in the sittings at which questions concerning them are discussed. The Powers in a state of diplomatic rupture with enemy Powers (Bolivia, Ecuador, Peru, and Uruguay) shall take part in the sittings at which questions concerning them are discussed. Neutral Powers and States in process of formation may be heard either orally or in writing when summoned by the Powers with general interests at sittings devoted especially to the examination of questions directly concerning them, but only so far as these questions directly are concerning them.

II. The Powers shall be represented by Plenipotentiary Delegates to the number of five for the United States of America, the British Empire, France, Italy, and Japan; three for Belgium, Brazil, and Serbia; two for China, Greece, Hedjaz, Poland, Portugal, Rumania, Siam, and the Czecho-Slovak Republic; one for Cuba, Guatemala, Haiti, Honduras, Liberia, Peru, and Uruguay. The British Dominions and India shall be represented as follows: Two delegates each for Australia, Canada, South Africa, and India (including the Native States); one delegate for New Zealand. Although the number of delegates may not exceed the figures above mentioned, each delegation has the right to avail itself of the panel system. The representation of the Dominions (including Newfoundland) and India may besides be included in the representation of the British Empire by the panel

system. Montenegro shall be represented by one delegate, but the rules concerning the designation of this delegate shall not be fixed until the moment when the political situation of this country shall have been cleared up. The conditions of the representation of Russia shall be fixed by the Conference at the moment when the matters concerning Russia are examined.

III. Each delegation of Plenipotentiaries may be accompanied by technical delegates properly accredited and by two stenographers. The technical delegates may be present at the sittings for the purpose of furnishing information which may be asked of them. They shall be allowed to speak for the purpose of giving any desired explanations.

IV. The delegates take precedence according to the alphabetical order in French of the Powers.

V. The Conference will be declared open by the President of the French Republic. The President of the Council of French Ministers will be invested temporarily with the Chairmanship. Immediately after this, a Committee, composed of one Plenipotentiary of each of the great Allied or Associated Powers, shall proceed at once to the authentication of the credentials of all members present.

VI. In the course of the first meeting, the Conference will proceed to appoint a permanent President and four Vice-Presidents chosen from the Plenipotentiaries of the Great Powers in alphabetical order.

VII. A secretariat appointed from outside Plenipotentiaries and composed of one representative of the United States of America, one of the British Empire, one of France, one of Italy, and one of Japan, will be submitted to the approval of the Conference by the President, who will be the controlling authority responsible for its operations. This Secretariat will be entrusted with the task of drafting protocols of the meetings, of classifying the archives, of providing for the administrative organization of the Conference, and generally of ensuring the regular and punctual working of the services entrusted to it. The head of the Secretariat will have charge of, and be responsible for, the protocols and archives. The archives will always be open to the members of the Conference.

VIII. The publicity of the proceedings shall be ensured by official communiqués which shall be prepared by the secretariat for publication. In case of disagreement as to the drafting of these communiqués the matter shall be referred to the principal Plenipotentiaries or their representatives.

IX. All documents intended for inclusion in the protocols must be handed in in writing by the Plenipotentiaries presenting them. No

document or proposition may be submitted save by one of the Plenipotentiaries or in his name.

X. Plenipotentiaries wishing to make a proposal unconnected with the questions on the agenda or not arising from the discussion shall give notice of the same twenty-four hours in advance in order to facilitate discussion. However, exceptions can be made to this rule in the case of amendments or secondary questions, but not in the case of substantive proposals.

XI. Petitions, memoranda, observations, or documents forwarded to the Conference by any person other than Plenipotentiaries must be received and classified by the Secretariat. Such of these communications as are of political interest will be briefly summarized in a list to be distributed to all the Plenipotentiaries. This list will be kept up to date as analogous communications are received. All such documents will be deposited in the archives.

XII. The discussion of the questions to be decided will comprise a first and second reading. The first will consist of general discussion with the object of obtaining agreement on matters of principle. Subsequently, there will be a second reading for more detailed examination.

XIII. The Plenipotentiaries shall have the right, subject to the agreement of the Conference, to authorize their technical delegates to submit technical explanations on such points as may be deemed useful. If the Conference thinks it advisable, the technical examination of any particular question may be entrusted to a committee of technical delegates, whose duty it will be to report and suggest solutions.

XIV. The protocols drawn up by the Secretariat shall be printed and distributed in proof to the delegates in the shortest possible time in order to expedite the work of the Conference. The communication thus made in advance shall take the place of the reading of the protocols at the beginning of each meeting. If no alteration is proposed by the Plenipotentiaries, the text shall be deemed approved and be entered in the archives. If any alterations are proposed, its text shall be read by the President at the beginning of the following meeting. In any case, the protocol must be read out in full at the request of any Plenipotentiary.

XV. A committee shall be formed for drafting the resolutions adopted. This committee shall concern itself only with questions which have been decided. Its sole duty shall be to draw up the text of the decisions adopted and to present it for the approval of the Conference. It shall be composed of five members not forming part of the Plenipotentiary Delegates, and composed of one representative of the United States of America, one of the British Empire, one of France, one of Italy, and one of Japan.

RULES ADOPTED BY THE FIRST ASSEMBLY OF THE LEAGUE

RULE 1.—1. The Assembly shall meet every year, at the seat of the League of Nations, commencing on the first Monday in September.

2. Sessions may also be held at such times as the Assembly at a previous meeting decides, and at such times as the Council, by a majority vote, decides.

3. If a Member of the League considers a Session to be desirable, it may request the Secretary-General to summon a special session of the Assembly. The Secretary-General shall thereupon inform the other Members of the League of the request, and inquire whether they concur in it. If within a period of one month from the date of such communication of the Secretary-General, a majority of the Members concur in the request, a Special Session shall be summoned.

RULE 2. The Sessions of the Assembly shall be held at the seat of the League, or, in exceptional circumstances, at such other place as is designated by the Assembly or by a majority of the Council, or by a majority of the Members of the League.

RULE 3.—1. The Sessions of the Assembly shall be summoned by the President of the Council, acting through the Secretary-General.

2. The summons shall be addressed to the Members of the League not less than four months before the date fixed for the opening of the Session. In exceptional circumstances, however, the Council, by a majority vote, may sanction a shorter period.

3. Nothing contained in paragraph 2 of this Rule shall affect the provisions concerning special cases contained in the Covenant.

RULE 4.—1. The agenda shall be drawn up by the Secretary-General with the approval of the President of the Council. The complete agenda shall be circulated as nearly as possible four months before the date fixed for the opening of the Session.

2. The agenda of a General Session shall include:

a) A report upon the work of the Council since the last Session;

b) A report by the Secretary-General upon the work of the Secretariat and upon the measures taken to execute the decisions of the Assembly;

c) All items whose inclusion has been ordered by the Assembly at a previous session;

d) All items proposed by the Council;

e) All items proposed by any Member of the League; and

f) The budget for the next fiscal period and the report on the accounts of the last fiscal period.

3. Any Member of the League may, at least one month before the date fixed for the opening of the Session, request the inclusion of

additional items in the agenda. Such items shall be placed on a supplementary list, which shall be circulated to the Members of the League at least three weeks before the date fixed for the opening of the Session. The Assembly shall decide whether items on the supplementary list shall be included in the agenda of the Session.

4. The Assembly may in exceptional circumstances place additional items on the agenda; but all consideration of such items shall, unless otherwise ordered by a two-thirds majority of the Assembly, be postponed until four days after they have been placed on the agenda, and until a committee has reported upon them.

RULE 5.—1. Each Member shall communicate to the Secretary-General, if possible before the opening of the Session, the names of its Representatives, of whom there shall be not more than three. The names of Substitute-Representatives may be added.

2. Each Representative shall, as soon as possible, and preferably before the opening of the Session, present his credentials to the Secretary-General.

3. A committee of eight members for the examination of the credentials shall be elected by the Assembly by secret ballot. The committee shall report without delay.

4. Any Representative to whose admission objection has been made shall sit provisionally, with the same rights as other Representatives unless the Assembly decides otherwise.

RULE 6.—1. In addition to the Substitute-Representatives mentioned in paragraph 1 of Rule 5, the Representatives of a Member of the League attending the Assembly, acting together as a Delegation, may appoint substitutes. Any such appointment shall be communicated in writing to the President.

2. A Substitute-Representative appointed by a Member of the League may take the place of a Representative without having been nominated by the Representatives.

3. A Substitute-Representative or substitute may take the place of a Representative who is absent from a meeting of the Assembly, or is temporarily prevented from taking part in its deliberations, but if the Representative is present at the meeting the Substitute-Representative or substitute is only entitled to assist him.

4. A Delegation may appoint for service on a committee a deputy or technical adviser other than those referred to in the above paragraphs of this Rule; but a deputy or adviser so appointed shall not be eligible for appointment as Chairman or Rapporteur, or for a seat in the Assembly.

RULE 7.—1. The officers of the Assembly shall consist of a President and of six Vice-Presidents, together with the Chairmen of the

main Committees of the Assembly, who shall be ex-officio Vice-Presidents of the Assembly. These officers shall form the General Committee.

2. The President and the six Vice-Presidents shall be elected at the beginning of each Session.

3. Until the election of the President, the President of the Council shall act as President of the Assembly.

RULE 8.—1. The President shall announce the opening, suspension, and adjournment of the meetings of the Assembly, direct the work of the Assembly, insure the observance of the Rules of Procedure, accord the right to address the Assembly, declare the debates to be closed, put questions to the vote, and announce the result of the voting.

2. In the general directions of the work of the Assembly, in the constitution of such committees as the Assembly decides to create, in deciding on the communications to be made to the Assembly, in the framing of the agenda for each meeting, and the determination of the order of priority for its various items, the President shall be assisted by the General Committee.

RULE 9.—1. The Secretary-General shall be responsible for the organization of the Secretariat of the Assembly and of the Secretariat of any committees set up by the Assembly.

2. The Secretary-General may be assisted or replaced at the meetings of the Assembly by a deputy or deputies. The Secretary-General, or one of his deputies, may at any time, on the invitation of the President, bring before the Assembly reports concerning any question which is being considered by the Assembly, and may be invited by the President to make verbal communications concerning any question under consideration.

RULE 10.—1. It shall be the duty of the Secretariat, *inter alia,* to receive, print, circulate, and translate documents, reports, and resolutions; to translate speeches made at the meetings; to draft, print, and circulate the Minutes of the Session; to have the custody and proper preservation of the documents in the archives of the Assembly; to publish the reports of the meetings; and, generally, to perform all other work which the Assembly thinks fit to intrust to it.

2. All documents emanating from the Assembly shall be circulated to the Governments of the Members of the League.

RULE 11.—1. The public shall be admitted to the plenary meetings of the Assembly, by cards distributed by the Secretary-General.

2. The Assembly may decide that particular meetings shall be private.

3. All decisions of the Assembly upon items on the agenda which

have been taken at a private meeting, shall be announced at a public meeting of the Assembly.

RULE 12.—A list of the attendance at each meeting of the Assembly shall be kept by the Secretariat.

RULE 13.—At the beginning of each meeting the President shall present to the Assembly all communications addressed to the Assembly or to the League, the importance of which appears to him to warrant such action.

RULE 14.—1. The Assembly shall establish such committees as it thinks fit for the consideration of the items on the agenda. Items of the same nature will be referred to the committee.

2. The Assembly shall not decide items on the agenda in full meeting until the report of the committee upon them has been presented and circulated, unless the Assembly itself, by a two-thirds majority, determines otherwise.

3. Each Delegation may designate one member, and may nominate technical advisers for each committee.

4. Each committee shall appoint its Chairman and Rapporteur.

5. Each committee may appoint subcommittees, which shall elect their own officers.

6. Each committee shall meet in private unless it decides otherwise. It shall keep a Register of its discussions, and Minutes, which shall be published at the earliest possible date, but not until they have been approved by the committee. They may at any time be consulted by any member of the Assembly.

7. Every Representative shall have the right to place before any committee any communication which he considers should be made to it, but no Representative may, without special leave from the Chairman, speak at a meeting of any committee of which he is not a member.

8. The Secretary-General or his deputies may make to any committee or subcommittee any report or verbal communication which he or they may consider desirable.

RULE 15.—1. No Representative may address the Assembly without having previously obtained the permission of the President.

2. Speakers shall be called upon in the order in which they have signified their desire to speak. The Chairman and the Rapporteur of a committee may be accorded precedence for the purpose of defending or explaining the conclusions arrived at by their committee. The same principle shall apply to any member of the Council.

3. The President may call a speaker to order if his remarks are not relevant to the subject under discussion. If necessary he may direct the speaker to resume his seat.

4. When a motion is under discussion, a Representative may rise to a point of order, and such point of order shall be immediately decided by the President in accordance with the Rules of Procedure.

5. The Assembly may limit the time allowed to each speaker.

RULE 16.—1. Speeches in French shall be summarized in English, and vice versa, by an interpreter belonging to the Secretariat.

2. A Representative speaking in another language shall provide for the translation of his speech into one of these two languages.

3. All documents, resolutions, and reports circulated by the President or the Secretariat shall be rendered in both French and English.

4. Any Representative may have documents circulated in a language other than French and English, but the Secretariat will not be responsible for their translation or printing.

5. Any Member of the League, or any group of Members, may require that all documents and publications of the League shall be regularly translated into and printed and circulated in a language other than French or English; but shall in such case defray all the necessary expenses.

RULE 17.—1. Resolutions, amendments, and motions must be introduced in writing and handed to the President. The President shall cause copies to be distributed to the Representatives.

2. As a general rule, no proposal shall be discussed or put to a vote at any meeting of the Assembly unless copies of it have been circulated to all Representatives not later than the day preceding the meeting.

3. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies.

RULE 18.—1. During the discussion of any question, any Representative may move the previous question or the adjournment. Any such motion shall have priority in the debate. In addition to the proposer of the motion, two Representatives may speak in favor of, and two against, the motion.

2. Parts of a proposal shall be voted on separately, if a Representative requests that the proposal be divided.

3. A Representative may at any time move the closure of the debate whether any other Representative has signified his wish to speak or not. If application is made for permission to speak against the closure, it may be accorded only to not more than two speakers.

4. The President shall take the sense of the Assembly on a motion for closure. If the Assembly decides in favor of the closure, the President shall declare the closure of the debate.

5. When a number of proposals are before the Assembly, the proposal furthest removed in substance from the principal one shall be voted on first.

6. If an amendment striking out part of a proposal is moved, the Assembly shall first vote on whether the words in question shall stand as part of the proposal. If the decision is in the negative, the amendment shall then be put to the vote.

7. When an amendment adds to a proposal, it shall be voted on first, and if it is adopted the amended proposal shall then be voted on.

RULE 19.—1. Except where otherwise expressly provided in the Covenant or by the terms of a treaty, decisions of the Assembly shall be taken by a unanimous vote of the Members of the League represented at the meeting.

2. All matters of procedure at a meeting of the Assembly, including the appointment of committees to investigate particular matters, shall be decided by a majority of the Members of the League represented at the meeting.

3. All decisions taken in virtue of these Rules shall be considered as matters of procedure.

4. A majority decision requires the affirmative votes of more than half of the Members of the League represented at the meeting.

5. For the purposes of this Rule, Representatives who abstain from voting shall be considered as not present.

RULE 20.—1. The Assembly shall vote by "Appel Nominal," except when the Members of the League represented at the meeting agree that the method of voting shall be by heads of Delegations rising in their seats, and except in the cases provided for in Rule 21. The "Appel Nominal" shall be taken in the following manner:

The Delegation of each Member of the League represented at the meeting shall be provided with two voting tickets, on which the name of the country is written, one red and one blue, the former being "Aye," the latter, "No." The voting tickets shall be deposited in an urn placed near the President's platform. When all the votes have been collected, the President shall declare the ballot closed and the General Committee shall proceed to count the votes. The individual votes shall be communicated to the Assembly and the result shall be announced by the President.

RULE 21.—1. All decisions relating to individuals shall be taken by a secret ballot.

2. If, when one person only is to be elected, no one person obtains at the first ballot an absolute majority of votes, an entirely new ballot shall be taken; but on this occasion the voting shall be confined to the two candidates who obtained the largest number of votes at the first

ballot. If there is at this ballot an equality of votes for the two candidates, the elder candidate shall be declared elected.

3. When a number of elective places of the same nature are to be filled at one time, those persons who obtain an absolute majority at the first ballot shall be elected. If the number of persons obtaining such majority is less than the number of persons to be elected, there shall be a second ballot to fill the remaining places, the voting being restricted to the unsuccessful candidates who obtained the greatest number of votes at the first ballot, not more than double in number the places remaining to be filled. Those candidates, to the number required to be elected, who receive the greatest number of votes at the second ballot shall be declared elected.

RULE 22.—In case of equality in any voting other than that referred to in Rule 21, in which a majority is required, a second vote shall be taken in the course of the next meeting; this meeting shall be held within forty-eight hours from the date on which the first vote was taken, and it shall be expressly mentioned on the agenda that a second vote will be taken on the matter in question. Unless there is at this subsequent meeting a majority in favor of the proposal, it shall be considered as lost.

RULE 23.—1. The President may declare a meeting to be adjourned or suspended, if a proposal for adjournment or suspension made by him does not meet with objection from the Assembly.

2. The President shall declare an adjournment or suspension of the meeting upon a vote to this effect by the Assembly.

RULE 24.—The General Committee, in cases where it deems it necessary, may revise the resolutions adopted by the Assembly, changing their form but not their substance. Any such changes shall be reported to the Assembly.

RULE 25.—The verbatim report of each meeting shall be drawn up by the Secretariat and submitted to the Assembly after approval by the President.

RULE 26.—The resolutions adopted by the Assembly shall be circulated by the Secretary-General to the Members of the League within fifteen days after the termination of the Session.

RULE 27.—These Rules of Procedure shall apply to the proceedings of committees of the Assembly.

RULE 28.—These Rules of Procedure may be altered by a decision of the Assembly; but no such alteration shall be made except upon a majority vote of the Assembly taken after a committee has reported upon the proposed alteration.

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